

CRIME AND
MISCONDUCT
COMMISSION



QUEENSLAND

CRIME AND MISCONDUCT COMMISSION

TRANSCRIPT OF PUBLIC INVESTIGATIVE HEARING

CONDUCTED AT THE CMC, LEVEL 2, NORTH TOWER, 515 ST PAUL'S

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TERRACE, FORTITUDE VALLEY, WITH RESPECT TO

FILE: OPERATION TESCO

HEARING NO: 06/2009

DAY 46 – WEDNESDAY, 22 SEPTEMBER 2010

(DURATION: 98 MINUTES)

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LEGEND

PO Presiding Officer – MARTIN MOYNIHAN, CHAIRPERSON

CA Counsel Assisting – JOHN ALLEN

30 **INST Instructing – SUZANNE HARBIDGE and KATE McKENNARIEY**

HRO Hearing Room Orderly – MEL LETONDEUR

W Witness – IAN JOHN LEAVERS

LR Legal Representatives - ALAN MacSPORRAN SC, with him MICHAEL NICHOLSON, instructed by KATE BRADLEY; CHRIS WATTERS, instructed by DANIEL CREEVY; TIM CARMODY SC, with him TROY SCHMIDT, instructed by CALVIN GNECH

THE HEARING RESUMED AT 2.04 PM

MR ALLEN: Chairman, can I address a matter raised by my learned friend Mr Carmody this morning. It is with respect to the statement and annexures of Senior Sergeant Dimond, which is Exhibit 116. Could I ask for a non-publication order with respect to two of the annexures that form part of that exhibit. They are described as the occurrence inquiry log report and the Surfers Paradise orientation booklet.

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PRESIDING OFFICER: Yes. Any other counsel have any view about that? No.

MR MACSPORRAN SC: Just to support it, Mr Chairman.

PRESIDING OFFICER: I will order that to be so.

MR ALLEN: Thank you. For the record, steps have already been taken to remove those parts of the exhibit from the CMC website.

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PRESIDING OFFICER: Thank you.

MR ALLEN: Chairman, I call Ian John Leavers and ask that he be sworn.

IAN JOHN LEAVERS, SWORN

MR ALLEN: Is your full name Ian John Leavers?

THE WITNESS: That is correct, yes.

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MR ALLEN: You have received an attendance notice to come here today?

THE WITNESS: Yes, I have.

MR ALLEN: Do you recognise this document as being a copy of that attendance notice?

THE WITNESS: Yes.

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MR ALLEN: I tender that, along with the oath of service.

PRESIDING OFFICER: That is Exhibit 126.

ADMITTED AND MARKED "EXHIBIT 126"

MR ALLEN: You have signed a statement, the original of which I will place before you. Do you recognise that statement?

THE WITNESS: Yes, that is a statement I have provided and I have subsequently signed.

MR ALLEN: Are there any parts of that statement which, because of a confidential nature, should be subject to a non-publication order?

THE WITNESS: No.

MR ALLEN: I tender that statement.

PRESIDING OFFICER: Exhibit 127.

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ADMITTED AND MARKED "EXHIBIT 127"

MR ALLEN: Do you have a copy of your statement with you?

THE WITNESS: Yes, I do.

MR ALLEN: If I can just clarify one matter immediately for the record. In paragraph 37, after referring in paragraph 36 to letters addressed to the QPS and CMC, you indicate that you are able to produce copies of those letters.

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THE WITNESS: Yes.

MR ALLEN: Your statement in fact annexes one of those letters, which is a letter dated 27 January 2010 to Acting Commissioner Kath Rynders.

THE WITNESS: Yes.

MR ALLEN: You do not annex any letter to the CMC, but is it the case that you sent a letter in identical terms, or at least a copy of the letter, to the Acting Commissioner to the CMC?

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THE WITNESS: Yes, I did.

MR ALLEN: Thank you. Are there any other matters in the statement which you need to amend or change?

THE WITNESS: No.

MR ALLEN: Now, you are a sergeant of police of 21 years service?

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THE WITNESS: That's right.

MR ALLEN: And you are the general president of the Queensland Police Union of Employees?

THE WITNESS: Yes, and I have been for 18 months.

MR ALLEN: Which is the industrial body responsible for the representation of all sworn police officers up to and including the rank of senior sergeant?

THE WITNESS: That is correct, and also police liaison officers and civilian watchhouse officers and members of the police band.

MR ALLEN: In paragraph 3 of your statement you say, "Issues identified in Operation Tesco can be resolved through the rapid injection of experienced police officers to all operational areas of the Gold Coast." You conservatively estimate at least 100 additional officers being required, with a division of, say, 60 being attached to the Surfers Paradise division and 35 to the Criminal Investigation Branch?

THE WITNESS: That is correct.

MR ALLEN: Can you explain the process by which you reached that estimate as to the number of officers required?

THE WITNESS: Yes, look, I've spoken with a lot of the people I represent down in the Gold Coast area, and the Gold Coast is an area which has a very big transient population, and I believe is underresourced and understaffed. Now, some of the issues we have identified -- and I know through Operation Tesco some of the people responsible have been very junior in service, and what I am concerned about is that a lot of staff have little, very little service and with the correct supervision from sergeants who are experienced operational police officers, I think we could nip a lot of things in the bud. Now, in the uniform area they struggle. On a Friday or Saturday night they will have probably 20 police to police a population of 50,000 or more. That is simply not enough, when you consider for one arrest it may take two police.

Now, I have divided it up, I think we need a rapid injection of operational experienced staff, and with proper supervision and giving the sergeants the ability to supervise and lead, I think we can solve a lot of these issues. Because predominantly around the state -- and the Gold Coast is indicative of this -- we have a lot of police who are very junior and are very inexperienced, and it is fact where a lot of the police we do have have two to two and a half years, are supervising first-year constables. That is unacceptable in an area as vibrant and as dangerous and as violent on the Gold Coast, with all the issue that we have seen have or have not been identified. So we need more staff. We cannot continue to let the staff work more hours, be overworked and stressed in these environments.

Now, I am aware that the police service has done a report, Project Aveo, which has recommended an injection of plain clothes personnel down the Gold Coast of up to 35 people. The information I have is that that will not occur for up to two years.

Now, I've spoken with detectives down the Gold Coast. It is a very difficult environment to work and they are simply reactive to the duties they have to do. They are unable to be proactive, which is a detriment to themselves and the community. And the problem we have down the Gold Coast, when a lot of crimes are committed, if they are a transient population, the police need to get in there immediately, gather the evidence and deal with it and get statements immediately,

because more often than not a lot of people involved in these incidents or crimes or whatever the situation maybe will leave to where they come from. Because, as we know, the Gold Coast is the party and the tourism capital of Australia and it is a different environment to probably the rest of the state.

10 Whereas in an area, for example, I could probably use Toowoomba, your population is pretty static, so you will be able to follow up with investigations and get the evidence in due course. The Gold Coast is a different kettle of fish, people come from all over Australia. And we have seen some of these issues, and I'm aware as a result of Operation Tesco, it has been junior officers identified, and that concerns me.

MR ALLEN: Yes. Now, I want to unpack a few of the matters you mentioned there. Firstly, if I go back to my question; that is the basis for the actual numbers that you have mentioned in your statement. The reference to 35 CIB branch officers, is that because you agree with the conclusions of the Aveo process, that that number are required but you disagree with how rapidly they should be tasked?

20 THE WITNESS: I believe that number should be immediately. That is the answer to the question.

MR ALLEN: You agree with the number?

THE WITNESS: Yes.

30 MR ALLEN: In relation to your assessment that at least 60 of the hundred additional officers now required should be at Surfers Paradise, is that based upon feedback you have had from operational officers as to the extent of their work and their current numbers?

THE WITNESS: Yes, from operational officers and some of those senior officers and the workloads and the environment to which they work in, yes.

MR ALLEN: You have spoken about the importance of the mix of ranks, it's not just the number of officers, and in particular the need to have suitably experienced officers who can act as supervisors. Can you explain the importance, for example, in a team operating out of the Surfers Paradise Police Station, to have an experienced sergeant as part of the team?

40 THE WITNESS: It is vitally necessary because the law is so complex and the duties of a police officer are so complex, you need some experience and wisdom to guide you while doing your job. Now, it can be very difficult, and when you have a lot of junior personnel, they have one to two years experience, there are some things that they literally don't know, so they have to be guided. And whether that be through -- not values, but they need to know the way things are, not only the law, to ensure it is applied correctly when they talk to people and they deal with people in an appropriate manner, but also other skills to guide them through and supervise them and ensure they do the right thing. When I first started in the police, a comment was made to me that the sergeants were there not only to keep

you out of trouble but to guide you through the course of your duties, so you can learn and get the skills to be an efficient and effective police officer. I'm concerned in areas like the Gold Coast, with the very junior workforce, we are really setting our young junior police up to fail through no fault of their own. And they make mistakes, and they make mistakes because they have little or not enough knowledge. So with that experience and expertise, I believe we can circumnavigate a lot of those issues.

10 MR ALLEN: Is it the case that there is a particularly high proportion of first-year constables in the Gold Coast district?

THE WITNESS: There is, and there is as much as they can be, but it is very concerning. Because, once again, it is a different environment. As I say, it is the tourist and the party capital of Australia and also it has one of the highest crime rates in Queensland, if not the highest crime rate, and it comes with a very difficult -- it is a very difficult patch to police. We see violence day in day out, the weekends are particularly violent, and it is very difficult for the police, when they are dealing with drunken people who are very violent, and if not drugged, day in day out. By the end of an 8-hour shift it takes its toll on those police. They need
20 someone with some wisdom and experience to give them advice, and if they are making mistakes, to correct that behaviour on the run, instead of allowing that behaviour to continue through no fault of their own because the training system has not been good enough or simply cannot be given within those time frames.

MR ALLEN: Are there currently sufficient sergeants per constable in operational duties to apply that leadership and supervision?

THE WITNESS: No, I don't believe so. Now, you can look at the figures and they may say you have one sergeant to 10 people or whatever the ratio is, but the fact is
30 a lot of sergeants, a lot of their duties are taken up performing administrative tasks, whether that be checking QPRIME, which is a new computer system which is very difficult for police all over the state, as well as checking QP9s, other correspondence, and attending to internal investigations and other investigations. And it is very difficult for a supervisor or a sergeant to be able to supervise those staff when these administrative tasks have to take priority at times, and I feel we are letting our young police down or setting them up to fail simply by doing this. And I can give you an example. When I was an operational sergeant, two days a month I would take up doing a roster for the station, so that's two days I couldn't supervise my troops. I was available, should I get the phone call and I would go
40 out and do it. Then I had other administrative tasks which I would attend to, and without that frontline supervision and the experience, very young or junior police in service will make mistakes through no fault of their own, and we owe it to them to guide them and assist them, and we not only owe it to the police but to the community as well to see that they get a first-class service.

MR ALLEN: These duties which remove sergeants from frontline supervision, which you have referred to in paragraph 8 as including checking correspondence on QPRIME, administrative tasks associated with station risk management, and I will leave the next for another question, and preparing rosters, as you have said. If

sergeants aren't to be doing those, who should be?

10 THE WITNESS: We need to look at the whole system to ensure and probably have a revamp of the system and have the police union work with agencies such as the police Service and the CMC to come up with a better model. I can say this is an important issue, since my time at the police union, at times we may have been considered as being reactive in many ways. We are certainly very proactive and, if we identify issues, I'm prepared to work with and be very proactive to get the best possible model to assist the police that I represent. But the fact is, these duties have to be done. But when a sergeant spends half of their duties attending to administrative tasks, they cannot supervise the staff on the ground. And that concerns me. And the constables, as I've said, through no fault of their own, may make mistakes, knowing they do or the way they operate may not be correct, but if it can be nipped in the bud very early and with supervision and direction, I think we're going a long way to ensure things get better and aren't as bad as what has been portrayed sometimes in the media over the last couple of years.

20 MR ALLEN: Would one way be of freeing up sergeants from such duties to have civilians carrying out such duties?

30 THE WITNESS: You have to have people with policing knowledge to be able to carry out a lot of these functions, with the checking of the correspondence and the risk management, and there are some things which you'll only have the experience through being a police officer. Whether or not we need more staff, we are one of the most highly regulated professions of anyone in Australia that I'm aware of. We have a lot of accountability, and I have no issues with accountability, but with accountability comes a cost and we are getting to the point where with accountability measures, police are really being hamstrung and unable at times to operate. As a sergeant and a supervisor, it is very, very frustrating. But this is the system we have. We have a new computer system, and this is only in the last two or three years, very, very time consuming. There are a lot of other things we could do to put other police back out on the road, as well as sergeants, through administrative support. So there is an answer, yes, in part, but you still need the knowledge of a sworn officer to be able to do some of those tasks.

MR ALLEN: So, if you're going to free up some sergeants to provide frontline supervision, you are really going to have to have other police carrying out some of the duties that those sergeants are currently required to perform?

40 THE WITNESS: That would assist, yes. There's one other area, and it's very important for me to say, with supervision, I know Operation Tesco centres on the Gold Coast, but I think it's very important to look at the rest of Queensland and regional Queensland. As I travel around the state, Mr Chairman, I could use Warwick as a very good example, the duty sergeant there is stuck in the station answering the front counter, the telephones, the communications network, checking the correspondence and the other issues and is unable to supervise the troops on the ground, and that is very concerning for me because, as I say, people are making mistakes, we owe it to them to correct it at the time and nip it in the bud. So I'm very concerned about supervision, not only down the Gold Coast but in all of

regional Queensland.

MR ALLEN: You say that -- and this is in paragraph 12 of your statement, "Removing those types of extraneous duties from sergeants would allow them to return to their core duties of front-operational management and that supervision needs to be increased at the divisional level through the use of sergeants supporting and supervising their subordinates." This is really what you've been speaking about, as to the need for those frontline supervisors by way of more sergeants?

10 THE WITNESS: Absolutely. And what I can say, from an operational point of view, is being able to turn up to a scene, whether it be a domestic, a large disturbance or a view, as a sergeant or a supervisor, you can provide the direction at that point in time. At times there are some members of the community, they understand that some police are very, very junior in service and they see someone with some authority, as a sergeant who is more experienced, and people will take more notice. So it is very efficient, it is very effective and it does work. But you simply cannot supervise from behind a desk.

MR ALLEN: You have spoken about at least 60 of the additional 100 officers
20 required being attached to Surfers Paradise division?

THE WITNESS: Yes.

MR ALLEN: Of those, how many should be sergeants, what's the skill mix, the rank mix?

THE WITNESS: Look, I think you would be looking at at least 1:10, so for 60
30 police you would need at least one sergeant for every 10 personnel, that would be a minimum to look after a team, and that sergeant to be with the police at all times guiding them. Okay, they can't be with the 10 police at one time, but they can chop and go between the police as they are paired up. It's very important -- and I say from a young constable, when you go out there you think you've got a lot of knowledge and people do the best they possibly can, but if you know you've got an experienced supervisor, you will watch every move you make and ensure you do the right thing, it's just that extra level above and I can say it does work.

MR ALLEN: If we go up one rank from sergeant, the senior sergeant at the Surfers
40 Paradise station, the officer in charge of that station, essentially has operational supervision of 126 staff. Is that typical or is that just something unique to Surfers Paradise?

THE WITNESS: Look, that is unique to Surfers Paradise. There are some stations, Toowoomba is another station where there is a large majority of staff underneath the senior sergeant -- Cairns and Rockhampton are others. That is indicative of those areas. What happens there, they are responsible for all those staff, it is one of the largest stations, within our enterprise bargaining agreement we call it a category C station, where the officer-in-charge has more responsibility and he is remunerated accordingly, but they need a lot more support staff in big stations like that to be able to function. Because we can go to another station -- The Gap would

be a good place to start; I think they have a staff of 13 and a senior sergeant -- so the responsibilities at Surfers is certainly a lot more than what it would be at The Gap.

MR ALLEN: How realistic is it really for a senior sergeant to have operational supervision of 126 staff?

10 THE WITNESS: What happens at those stations, Surfers Paradise if I can use an example, it has an operations senior sergeant who looks after a lot of the operations and the management, and at Surfers Paradise, although we've got the officer-in-charge, he is overseen by an inspector of police who is at that station as well. The information I have is that Inspector Haslam, he is the current inspector there, is responsible, apart from a couple of other staff in relation to liquor enforcement, he is responsible for the running of the Surfers Paradise Police Station. But when it comes to the HR issues and the operational issues and a lot of the meetings and the responsibilities which are designated to the officer-in-charge, that lies with the senior sergeant who is with the officer-in-charge. With the operational procedures manual within the police, the way it is set up, the officer-in-charge of a division is responsible for all the crime and the management
20 and the policing of that division.

MR ALLEN: You don't see that organisational structure as being problematic?

THE WITNESS: No, I don't. The way it is now, it is overseen by an inspector. In other areas, an inspector may look after more one station, but Surfers Paradise is one that is unique. I'm aware in Townsville they have one inspector who specifically looks after Townsville station. So we have processes in place to be able to do that. Obviously, there are more sergeants there and you have an operational senior sergeant, which enables him to be able to do that job. It works
30 quite well and, from the information I have, apart from a lack of staff down Surfers Paradise, things are going reasonably well there.

MR ALLEN: In paragraph 5 of your statement you say that it's necessary, if one was to attract experienced police officers to the Gold Coast, to consider implementing incentives to those officers to transfer there. You say that they would take various forms, or could take various forms, including, what, increased pay for working in that district?

40 THE WITNESS: You could look at increased pay or whether or not there be an allowance for working in a place like Surfers Paradise. The analogy I would draw from here is there are certain hardship areas in the state of Queensland where police are remunerated more for working in those locations. I've said openly and I've said publicly down the Gold Coast, it's a beautiful place to be but a terrible place of work. They predominantly do 70 per cent of their shifts on nights, they regularly do night work and they work three to four weekends most of the time. That places a significant effect upon them personally and their families and their relationships. It is very tough going down at Surfers Paradise and in areas like that. We all know that you can work nights and it does have an effect on you, you lose sleep during the day, and night work, your fatigue increases more, your tolerance to things may

decrease. And that's not just -- police aren't robots, that is just being human. That is why I think we need a rapid injection of staff on that.

But it is a very difficult place to work. So whether or not you have an allowance or you have a points system, where they can transfer out after a certain period of time, reduce the tenure at those places, so it can provide them with some respite, because it is very difficult. When I was a general duties sergeant at Yamanto, I can tell you now there is no way in the world I would put in for a spot at Surfers Paradise, knowing what the police do down there.

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In fact, a friend of mine, a friend of the family, recently joined the police, and he's from the Gold Coast, and he said he wanted to go to the Gold Coast, and I said, "You are completely mad." I said, "Why would you go there and put up with what you have to put up with there? It will destroy your life and, as you get older, you will end up with a family or relationships, and it is doomed to fail." I think we've really got to consider many other social issues that impact on our police dealing with that.

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So it's very complex but it's a difficult place to work, and I think you have to -- with experienced staff, you can circumnavigate some of these problems and it will go a long way to fixing the problems. But if you can get the same money for somewhere else, not having to put up with what you have to put up with at the Gold Coast, why would you put yourself through that?

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MR ALLEN: One option that's been suggested in evidence is that there might be some system whereby whole units are rostered in and out of Surfers Paradise, say from another station, which gives the officers who are dealing with that atmosphere of policing in Surfers Paradise a break from it at times. Do you have any comments about the feasibility of that?

THE WITNESS: In theory, it is probably a very good idea. In practice, I think it is doomed to failure.

MR ALLEN: Why is that?

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THE WITNESS: The reason I say that, it's like anything -- we went -- when you are stationed at a station, you own your division, you take pride in it and it is important for you to police that division. If people come in from time to time, they don't have the same passion and they don't care, they are not interested in the increase in crime rates. Whereas when you own that patch, you will do all you can to keep the crime rate down. And an example is we had clustering on the north side of Brisbane for a long time, where you had a central lot of police and they just went out and they went to various jobs in the community, but no one actually own the patch. Whereas when I worked at Sherwood many years ago, I cared about crime in that area and I did all that I could to ensure that the crime rate as was low as it possibly could.

So you've got to have ownership. Simply to bring police in from one area won't work. What do you do with the police there? You have to look industrially.

People often apply for a position based on a location. That's why I think you need an incentive, but you need added support of extra numbers, so that police don't continue to get flogged, and whether or not you have the public safety response team, have them come down on a more regular basis and provide other support.

10 But to move in and out of the Gold Coast, what does concern me, you could start to look at bastardisation through senior management and whether or not they would send people there as a punishment. It is very dangerous to move people in and out of positions, because we have had issues in the past, industrially, and where someone leaves.

Also, we have police officers, when they apply for a particular station or a position, they live within a certain area of that station, so if you move them around, it changes what they apply for. So you are looking at other industrial issues and quality of life as well.

20 MR ALLEN: On the same vein, what about appointment to a district or a region, rather than to a station, to provide some flexibility for meeting operational requirements and provide greater flexibility for transfer between stations?

THE WITNESS: In theory, I understand what you're saying. But in practice it won't work, it will be open to bastardisation. The Gold Coast, you could look at the district down there, you could be at Coolangatta one minute and Southport the next, then out at Nerang. People, when they apply for a position, they choose where they're going to live and they generally live within a close proximity.

30 So you could be at Coolangatta, you may have an issue, whether it be that you decide you will claim all the overtime you are entitled to, whereas someone else may say, "I will just do it for free," your punishment may be that you're off to Southport, which increases your travelling by 45 minutes to an hour a day. It is open to bastardisation, and I'm very, very concerned to go down that track. People want to know where their home is, and we have to be very careful of that.

40 The Gold Coast is just one area. There are other districts which are far bigger in size than what the Gold Coast is, it could be very dangerous. Look, I was in the Ipswich district for many years. You could be on the southern end or the eastern end at Goodna, and suddenly you could be working at Lowood or Boonah. That has a significant impact upon where you live and your travelling times, as well as fatigue management and many other issues. You may choose to live 15 minutes from that station; suddenly your trip each way has been increased by 45 to 50 minutes, you have fatigue with night work and other issues, as well as the cost of travelling to and from work, and you choose to work in a particular location. So I am very, very concerned about that, and there are many other districts which are larger than that as well.

MR ALLEN: When you use the term "bastardisation", are you saying the potential for punitive transfers?

THE WITNESS: Absolutely. And punitive transfers -- after Fitzgerald, those sorts

of things have gone. But it could be very easy -- although well intentioned or not well intentioned -- to bring them back. An example I give, we look at -- it's been raised with me -- Jim O'Sullivan, probably in the mid '80s he might have found himself in western Queensland, had we had that system in place. You can't do that.

MR ALLEN: There is a robust review system, though, in relation to police promotions, even in relation to refusals of recruitment. Why couldn't you implement a system which provided appropriate redress for police officers to seek a review if a transfer was made on illegitimate grounds?

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THE WITNESS: Sometimes things are very hard to prove. I have no doubt, as the CMC would know and I know as an operational police officer, as to what actually happens and what you can actually prove are very often two things. So in theory, I absolutely agree with you, but in practice, I think we all know what happens and can happen in the real world.

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MR ALLEN: Just in relation to the skill mix of police on the Gold Coast at the moment, you point out that the high use of first-year constables might mean that in fact you end up with a second or third-year constable who is the only effective supervisor for another constable. Is that a problem where you've got the blind leading the blind?

THE WITNESS: Absolutely it is, and through no fault of their own.

MR ALLEN: Yes.

30

THE WITNESS: That deeply concerns me, and that is very real on the Gold Coast. And I can say -- I go back to where I was, which is indicative, it is a different area, within the Ipswich area, to the Gold Coast, but when I was a sergeant there and I was managing my shifts, just to put a car on the road, often I would have a constable with 18 months service with someone under 12 months service. Surely that was not what I wanted, but I had to provide a service and put a car on the road. And that is very real in the Gold Coast, as in, apart from the Sunshine Coast -- you've got a lot of experience there, because people go there and never want to leave, but that's not indicative of the rest of the state, and that deeply concerns me right around the state. I worry for police because if they are not taught the right things and they have got bad habits and they are not called on, they will never know any different, and we owe it to them.

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MR ALLEN: What do you think of the management development program and its utility in developing the skills of supervisors that are required?

THE WITNESS: I have a lot of concerns in the management development program. Firstly, I must say I have no issues with police completing studies to enable them to do their job and assist them in gaining qualifications to be better qualified, I think that's something we must support, and education is very important. But the management development program encourages people how to manage, and you study businesses and you have a look on how modern management principles. What we need to do is to be task specific, teach sergeants

and NCOs and above on how to lead and how to supervise specific to their job.

They have introduced a program, the officer-in-charge program, which can be a substitute for the management development program, and what that does, it teaches those applying for those positions specific skills to enable them to do that position. I believe we need to do that, so when you -- you do these studies for a sergeant's position, it teaches you the real skills that will be necessary for you to do that job. And I think the management development program -- surely, I learned about managing in business and those issues, but it didn't help me be a general duties shift supervisor, and it is too generic too.

So I think there's a lot of room for improvement. And the police union -- as I say, under my term, I've been there 18 months now, but there's a lot of things I have brought about and changed, and I'm happy to work with organisations like the police service and the CMC to be able to improve things to be more beneficial.

As Mr Chairman knows, I have spoken on the discipline system and some other issues, I have a lot of issues with our discipline system. I don't want to get rid of it, but I think we could simplify it and make it a lot better for everyone's sake.

PRESIDING OFFICER: I think we are having a try at that, but it's difficult, it's like unravelling a ball of wool.

THE WITNESS: It is, but I think we can get there.

PRESIDING OFFICER: We'll give it a go.

THE WITNESS: And the police union -- I'm more than willing to work for that to achieve. I think we can get to something which will satisfy all the stakeholders, and I think it would be remiss of us to do nothing. If we can do something, I think the community, the police and everyone will be better off.

MR ALLEN: Can I go to an aspect which is perhaps related in a way to the disciplinary process, and that is the fact that the target stations, such as Surfers Paradise, that you have identified is sometimes dealing with or conducting internal investigations?

THE WITNESS: Yes.

MR ALLEN: And you say in paragraph 9 that it is, in your view, completely inappropriate to put a sergeant in a position where he has to investigate a subordinate, potentially recommend serious disciplinary action, and then work with that officer on the street. Now, I think the problems with that can be determined as immediately apparent. How do you address that? What changes should be made?

THE WITNESS: We need to make some changes, we need to make them quick. Look, to be honest we have commissioned officers, they are the next level above senior sergeants and sergeants. I believe investigations should be handled by them, not by direct supervisors because there are many issues, as we know, public

perception is the start. They will say, "He is just looking after his troops." And I know a lot of people do internal investigations, they are very time consuming but what it is, they are very, very -- and have real concerns about what they're doing because are people going to accuse them of not being honest and forthright. I can say, just about everyone is because they know everyone is watching and they want to do the right thing through their moral obligation as well. I believe it should be a level for commissioned officers to go back to investigating police, which is what happened after the Fitzgerald Inquiry when the CJC first took off, most investigations were done by commissioned officers. I think we need to go back to that. You can no longer have supervisors investigating your own. You lose public confidence and we need to ensure to have public confidence, and I am very concerned, as well as the time restraints or the time it takes for these investigations. So, look, Fitzgerald made some recommendations and on that I agree with him. It should not be your in-line supervisors conducting internal investigations because on the internal investigator it puts a tremendous amount of pressure on them as well. They are in a no win situation. We are really setting them up to fail as well. There have been some issues with deaths in custody and I have made some comments publicly in the past but my view is it should at least be the Ethical Standards Command -- the Ethical Standards Command I have called on many occasions. They turn up to investigate serious injuries or deaths in custody because it is very important for everyone's sake that it is done properly and independently and at times with the CMC -- and I know there is a different arrangement at this point in time but independence is very, very important.

MR ALLEN: So in relation to the ESC, is it the fact that all Ethical Standards Command officers are actually based in Brisbane?

THE WITNESS: That is my understanding, that they are based -- you have the regions -- obviously the different regions in the State, they have a professional practices manager, and investigations are farmed out locally. Now, I think we probably need to look at internal investigations and have a different system put in place, and, once again, I am more than happy to work with the stakeholders to see what we can do to remedy that. As we know, if a death in custody occurs, the Ethical Standards, like I do, we leave from Brisbane, so whether or not we need more people at Ethical Standards -- I never thought I would ask for more people but in practice that's probably what we do need, more people.

MR ALLEN: Should they have a regional presence rather than having to be called from Brisbane to parts of the State to conduct internal investigations?

THE WITNESS: The problem I see, if you put them into regional areas, is the fact is they will socialise and deal with the police on a local basis and the bias of perception could be put at risk. So I think for the integrity of it, it is important they are based in Brisbane because, look, if they are in Townsville, Cairns or Rockhampton, they are going to associate with the local police. They are going to build relationships. So I think it is important they are based in Brisbane for perception and integrity reasons. Not that I doubt their integrity, but people may call it into question.

MR ALLEN: But, as it stands now, if the ESC is not called into conduct an investigation, there is a professional practice manager who is coordinating investigations by local police in any event.

THE WITNESS: The professional practice manager is merely coordinating the investigations from an administrative point of view and farming them out. Look, there has been some investigations, I know, in relation to internal investigations, they may get a detective sergeant from another district to go to another district. That doesn't cut it, as far as I am concerned. It should be the Ethical Standards
10 Command doing it because it places pressure on the police who are operational police. I think internal investigations should be handled by internal investigations, and, as we know, the internal investigators can travel around the State and go to different areas and conduct the investigations as is required, but it is only urgent, like deaths in custody or immediate issues where they need to immobilise from Brisbane. That makes sense but let them travel around and do the jobs they have to do but if you base them in a specific area you are going to have the issues which I have already mentioned.

MR ALLEN: In paragraph 10 you say that if you are going to go back to the
20 fundamentals of independent conduct of internal investigations, you really need the investigations of misconduct alleged against noncommissioned officers and constables being investigated by either commissioned officers, and that would be either from the ESC or otherwise.

THE WITNESS: Yes.

MR ALLEN: Or the CMC only.

THE WITNESS: Look, I think the Ethical Standards Command, they are quite
30 capable. A lot of investigations are conducted by them and very thorough and comprehensive investigations. There is a place for the Ethical Standards Command and the CMC. I think they both work well together and in conjunction with one another, and it is important to have them both separate as separate identities, but I do know that the Police Service and the Ethical Standards Command does work in with the CMC and that is very important because at the end of the day, I think everyone is trying to achieve the same goal. It is not about one entity trying to compete with another. We have to have internal investigations. That is the nature -- not only for policing but all other government departments and industries, it is very important for the integrity of everything but I think we need the Ethical
40 Standards Command then the CMC umbrella as well.

MR ALLEN: Why do you say that investigations into commissioned officers should be by the CMC?

THE WITNESS: For exactly the same reason I am saying now, that my members shouldn't be investigating or senior sergeants down shouldn't be investigating our subordinates and our people. Let's put it up to the next level, the delineation of a commissioned officer, and for commissioned officers put it to the CMC and go down that track so you have got the clear delineation, the integrity of it and also the

perception within the community. At times I have heard in the media, you know, there may be cover ups. We can't afford cover ups. Let's be honest, do a thorough, independent investigation each and every time so the police, the community and the government can all have a clear conscience.

MR ALLEN: In both paragraph 7 and 14 of your statement, you make comments to the effect that sergeants and senior sergeants need to know that if they take appropriate immediate managerial action, that that will be supported.

10 THE WITNESS: Absolutely.

MR ALLEN: And that -- what do you mean by that; that they won't be overruled higher up or --

THE WITNESS: No, not overruled. What I am saying is as a sergeant or a shift supervisor, if I identify a behaviour which is not serious misconduct or criminal activity, that I correct it -- and I document it and I correct it, that that decision be supported by senior management because we're going through a change now and there is some good things. You know, look, we have sexual harassment. I don't
20 support or condone that one bit but it is very easy for a subordinate when they don't agree with the decision of a supervisor to make up a complaint of sexual harassment or I am being bullied when it is proper management so if a sergeant or senior sergeant makes that decision it must be supported by senior management. I am not saying push it under the carpet one little bit but support the supervisors in the decisions they make. And it has got to be recorded, no issue about that but you can supervise things and nip it in the bud on the run and I think it is very, very important but we're at a stage now where sergeants and senior sergeants are reluctant at times to make decisions through fear of another complaint or reprisals. We are a paramilitary organisation. Discipline is a must and we must get back to
30 basics.

MR ALLEN: So can you give any other examples where -- of a situation where a reasonable management action by, say, a sergeant might not be supported by senior management, that they might feel undermined?

THE WITNESS: That's right, because a complaint may be made, whether it be sexual -- look, "Sergeant Smith is bullying me, he had a chat to me about the way I dressed today, I was untidy" -- this is just a generic example, there could be many
40 examples, about the way they have dressed. Well, I think he is only picking on me because he doesn't like me. We will support that. Look, we have got the Code of Conduct, it is quite clear. What we need to now -- and what I am finding as a result of Tesco, is a good example, some of the matters which are a concern have been committed by very junior officers. Let's nip it in the bud, give the sergeant or the senior sergeant the authority to give discipline on the run and guidance and support and that will go a long way. I am not saying push it away and forget about it. Certainly not. I'm saying let's deal with it now and support those who make those decisions because at times sergeants and senior sergeants don't feel supported and they feel like they won't be supported higher on. So the option is to do little because of fear of retaliation if they are not supported -- hold on, that person

continually pulls people on. What is wrong with that person? I think we have got to have a broad mind and support those who are in positions of authority and who are supervisors and who are leaders.

MR ALLEN: So you do feel that there are concerns at that, say, sergeant, senior sergeant level that reasonable management action may not be supported higher up?

10 THE WITNESS: Absolutely I do. And it is very concerning when personalities come into place -- look, policing isn't an exact science. We're not like robots, we are real people. We come from the community and with that comes many other issues, but that is the fact, that personalities can come into place and who knows what can go from there but let's support the people who are trying to do the right thing. Because what I can say, 99.9 per cent of police are honest, hard-working, ethical people and just want to make a difference and do the job and let's support them in doing that.

20 MR ALLEN: When you talk about the need for, say, sergeants, you are talking about substantive positions. Has there been, in your perception, high levels of relieving in supervisory positions by officers who don't actually hold the substantive position?

30 THE WITNESS: Look, from time to time that occurs. Whether or not a sergeant is on leave and a senior constable is acting in a sergeant's role or a sergeant is acting in a senior sergeant's role, and so on as the ranks go up. Look, that does occur and where you have a high level of relieving, look, it is very good for career progression for a lot of our people, that is right, but there are some areas where when you have too much relieving, you need stability. You need the people in those positions who can make the decisions and move forward. So at times it can be very unstabilising in different areas and I have seen that right throughout the State of Queensland.

MR ALLEN: What sort of factors lead to that? Why is it necessary to have people relieving in the positions?

THE WITNESS: Sick leave, relieving stations away from that, other relieving opportunities, people on rec leave, any other sort of leave, whether it is planned or unplanned. People can relieve in all various different areas to gain other opportunities or different stations or sections. So it is --

40 MR ALLEN: They are really just unavoidable consequences of having a large organisation.

THE WITNESS: Some it is. Some it is. But we need to have a look at -- look, certainly relieving is very important, very important for my members, and I absolutely encourage it but where it is going to be -- look, for a while we had people -- this is a good example -- they'd be senior sergeants on development for progression to the next rank of commissioned officers. You may not see someone in that OC's substantive position for two years. You can't have that. You need stability.

MR ALLEN: In which position wasn't filled substantively? Was it the --

THE WITNESS: The officer-in-charge position.

MR ALLEN: The senior sergeant's position?

THE WITNESS: Yeah. Which means the sergeant relieves up, a senior constable relieves up. You don't have stability. Everyone needs stability. Very simple. I
10 I look at it like our kids, they want stability at home, police are no different, so is
everyone else in the community. They want stability and proper leadership,
because we all know when you have someone in the position who is purely acting
they don't really have the authority to really run the ship or make the decisions.
You need someone with the authority who is going to be listened to and not said,
"You are in an acting position, therefore it doesn't really count." We could
streamline things, the promotion system, it could be streamlined and we have
worked on a committee where we had some recommendations to transfer people or
move at a certain time, like teachers instead of other areas moving. Some positions
are left unfilled for 6 to 12 months and specially in country areas, the effect is
20 worse.

MR ALLEN: Could I take you to paragraph 21 of your statement? You state, "A
distinction needs to be clearly drawn between a person receiving a half price
hamburger and someone receiving free drinks in a club with OMCG affiliations
because the person is a police officer."

THE WITNESS: Yes.

MR ALLEN: Does the distinction need to be clearly drawn between a person
30 receiving a half price hamburger and someone receiving free drinks -- leave aside
the nature of the club -- because the person is a police officer?

THE WITNESS: Yes, I think we have to look at what is -- if someone gives
something to someone, is there an expectation something will be given in return?
And you need to look at -- and, like, as a police officer, half price McDonald's, I
will go into that, that's not only offered to police officers but all emergency services
personnel and in the area where I work it was also offered to the defence force
people. Same as all other deals are offered to many other organisations, whether it
be the Law Society, the Bar Society, do deals for their members. I am currently in
40 negotiations to do deals with General Motors on police union members a discount
on new cars. That's not criminal. That is not corrupt. That is just part of business.
People offer deals to people who are large organisations to get them into buy
things. But I think --

MR ALLEN: Half price McDonald's isn't something that's been negotiated
between a McDonald's and the Queensland Police Service or the Queensland Police
union, is it?

THE WITNESS: Absolutely not. I haven't negotiated and I don't believe the

10 Police Service has, and I do believe that after the Fitzgerald Inquiry, the then Commissioner, Mr Newnham, tried to intervene and stop that occurring. It is McDonald's policy. There is no expectation on behalf that they will receive a benefit from the police. I do not see it as corruption and I can say I have been to places, I have been to break and enters where people have offered me a cup of coffee and I have sat down with them. That's not corruption because I have had a coffee with a complainant. It is a social thing. I talk to people. I know you get back to half price McDonald's, I don't see it as corruption. It is offered to emergency services personnel, that is the ambulance, the fire service and defence force personnel. There are other organisations -- Hungry Jack's have advertised they will give a discount to police. The other day I was out at the Good Guys looking at an air-conditioner for home and I have got an emblem on my shirt here, the police union emblem and the fellow said, "Are you a police officer?" I said, "Yes, I am." He said, "We give you a better price." That is business. There was nothing I was going to give him in return should I purchase that. He was going to give me a good price. That is what happens in business, you can't get around it. The same as I said, the Law Society and the Bar Association organise deals for their members. There is no difference.

20 PRESIDING OFFICER: It has been raised with me, though, that it attracts custom for police to be in food outlets and so on because people feel safer and the fish and chips shop up the road isn't offering the same thing as McDonald's so they lose custom and they become concerned about that. So it is not a question just of corruption; it is a whole community perception issue as well, isn't it?

THE WITNESS: Mr Chairman, I don't think you can purely put that on the thing of police. That's a business thing and I don't think there is a --

30 PRESIDING OFFICER: Yeah, you would say the fish and chip shop up the road, if they think they could get enough return from it they could do the same thing.

THE WITNESS: It depends, I think -- it depends what people want. I understand what you are saying but it is everyone's choice and often police, operational police, do eat on the run, whether it be fish and chips and just -- McDonald's you can get it pretty well within two minutes, but people eat on the run -- and it is bad food, don't get me wrong you can't live on McDonald's forever it will kill you. But it is by necessity.

40 PRESIDING OFFICER: You won't be getting anymore free -- half price meals.

THE WITNESS: My son will be very disappointed. He loves it. But it is not a food of necessity; it is quick and it is easy and it's accessible usually 24 hours a day and that encourages people to go back. I don't see a corrupt element and I have eaten a bit of McDonald's through my time but I don't see it as being a corrupt activity. There is no benefit in return. Yes, people do go there. The same as they do in other shops. And, look, fish and chip shops you might find all the same people will say if the police come in or people they know they will give them a bit extra. I can tell you there is a fish and chip shop I have been going to for 20 years, I get an extra scallop every time, Mr Chairman, and my son gets two 15-cent

lollypops. That's not corruption. I have known Jimmy for years and there's no benefit to him when he does that.

MR ALLEN: You don't see anything in the slippery slope argument?

THE WITNESS: No, I don't. Because I think when you joined the police you have morals and you have values and you must maintain them through the life that you are a police officer. And you either have those or you don't. And if you don't have those values, what I do hope is it is identified and it is weeded out and you are no longer fit to be a member of the organisation. But police, we do come from the community, we are part of the community, we represent the community and we are going to have the same issues as any other large organisation. But we have a set of values and if you don't have the right values, that is a concern and we need to deal with it and identify it. I think recruiting is another issue, and I can say this, it may tie in, up until four years ago the information I have is when you applied to join the police, there were checks made with your neighbours and your employer -- personal checks by police to see if you were a fit and proper person. The information I have that does not occur any more. That deeply concerns me because information you could gain may be critical and go through the integrity process because we have got to be careful when we select police because if you join for the wrong reasons you shouldn't be in the organisation and I, as the union, would not tolerate it, neither will 99.9 per cent of police. So you will get a bad apple from time to time but you have got to have strong moral values. But we do come from the community and things that we do will reflect accordingly.

MR ALLEN: Are there any other ways that the recruitment and screening process could be tightened up apart from actual personal checks of neighbours?

THE WITNESS: I think personal checks is a start. What has concerned me, we may have gone one way too much. We do reflect the community, and that should be accorded with our education, but education is not the be-all and end-all. In fact, some of the issues I am aware with Operation Tesco have been very junior police. Now, police are more educated than what was the requirement when I joined the police. When I joined the police I had to have Grade 10. I had a little bit more than that and I have continued on since but education is not the be-all and end-all we should have other skill sets which reflect the community, whether it be tradesmen or people who have worked in their own businesses from right around the State. We should look at that. And another issue I am concerned about --

MR ALLEN: Before we go on to the other issue, are you saying that the current recruitment and selection process concentrates too much on previous academic achievements?

THE WITNESS: That is my concern and what I am saying is you have to have some knowledge, you have to be capable and have the ability to learn but it is not the be-all and end-all. We have a lot of senior police who I know, from my vintage and probably up, who have joined the police with their Grade 10 or Grade 12 who have continued to study and made a very good career out of it and they are no fools.

MR ALLEN: Yes.

THE WITNESS: But we need to encourage people from all walks of life to join the organisation because just because you have been to university doesn't make you a good police officer. And I think we need to get back to some of the other skills and get people who have got real life experience who have been out and about and understands and can deal with people because policing, although you need the knowledge to be able to do the job, it is predominantly a people orientated business and you deal with people day in day out and I have spoken to many people from different -- all walks of life and really you learn a lot of those skills from life skills and it is amazing how you can communicate and get on with people just by having a different approach on each and every occasion. And what I am concerned about with recruiting and the academic side, we tend to, I think, discriminate against people from country areas because they don't have the same opportunity as what people do in the city. I know with the internet and other ways of learning things are changing but often people within the country would like to stay in the country. And there are areas and towns I can think of, Rockhampton and Townsville, there are a lot of police in Brisbane who don't want to go to those places. So if we have got people from Townsville who don't have the academic qualifications but their family is set up and they want to stay in Rockhampton, we should actively encourage that because that is a betterment to the community and we can get good quality people. Too often we see a lot of people join the police and everyone says, "I will serve anywhere in Queensland", until they get the posting to Mount Isa and Rockhampton and it is a hullabaloo. So I think we need to carefully consider that for recruiting, because you have got to have someone who is happy where they are working because if they are happy where they are working and the location where they are living they will perform better and they will be part of the community. So I think there are a lot of issues we can fix.

MR ALLEN: You were saying that there was another issue in relation to recruitment, is that what you have just dealt with there?

THE WITNESS: That's part of the issue, the locations. We struggle to get Rockhampton, Townsville. There are many other places. If it is not the coffee set around Oxford Street or Bulimba or Park Road a lot of people don't want to move. With some of the recruiting, we are recruiting mature age people, they have careers, their partners have careers and they don't want to move. There are many people in that situation, they simply can't move. And we are no longer in the world now where a spouse will follow the other spouse all over the countryside and just give up their job from day-to-day-to-day. We generally have double income families. Both men and women have careers and I am starting to see now policing is the second career whereas the spouse may have another job which certainly pays a lot more and has more responsibility. So times have changed, we have got to change with the times and at times I don't think we do. And I have suggested this with the Commissioner in the past that perhaps we need to look at a whole of government approach. For example, if you get a policeman, their partner's a teacher, a nurse and other government departments, perhaps other government departments could work in together. You could send people all over the place. But

it doesn't work like that and you may very well split families and that is happening as we occur if people are transferred away from Brisbane.

MR ALLEN: In your statement you draw a distinction between someone who is receiving hospitality and someone who is receiving hospitality because they are a police officer.

THE WITNESS: Which paragraph?

10 MR ALLEN: In paragraph 21 you talk about someone receiving free drinks in a club with OMCG affiliations because the person is a police officer and you say, "In the latter whether or not a benefit is sought or provided there is a clear potential for a conflict of interest to arise." And, "Officers who knowingly accept free drinks in such circumstances clearly place themselves at considerable risk." You seem to be placing the onus upon the police officer to make a determination as to whether their receipt of a gratuity could place them in a conflict of interest.

20 THE WITNESS: Absolutely. And sometimes I am finding with a lot of younger police who are junior in service they can be very naive at times and they need the supervision and the wisdom from other more experienced people to identify that. But clearly, what I have put in here, if it is an organisation run by an outlaw motorcycle gang, to me I would be saying to a junior officer I don't think you should be going there. It is inappropriate. Although you are doing nothing wrong, you don't put yourself in a position where people may think otherwise. To me that's about common sense.

MR ALLEN: It is not just actual conflict of interest, it is public perception as well, isn't it?

30 THE WITNESS: It is, and it is hard with some of these nightclubs because they offer free drinks to a lot of people and you have got to clearly draw the line, is it purely because they are a police officer. My view would be that if there could be a conflict, maybe go somewhere else and have a good time but there is another issue. I think -- and this is outside of the control of the police to a fair point and the whole of government -- if we have these fronts for outlaw motorcycle gangs being operated as licensed premises to launder money perhaps we all need to be doing something to ensure they don't operate these places. Because it is not good enough.

40 MR ALLEN: Let's talk about a legitimate licensed premises, though, and talk about police officers who as part of their duties might have to investigate alleged assaults by nightclub security staff or police liquor offences. Can't you see a potential for at least a public perception of conflict of interest to their receiving free drinks from that establishment?

THE WITNESS: It depends upon the context in which the drinks are received. It is very hard because there is a lot of nightclubs will entice people in, whether they be football groups, or netball groups, or different groups, hen's nights, buck's nights, invite them in or locals, get them in and give them a couple of free drinks. I can think back some years ago before I joined the police I used to go to one pub on

a Friday afternoon. And he always -- he gave you a couple of free drinks, but what happened, you ended up spending quite a few dollars there. But there is no benefit there. Now that I am a police officer I see that's different, but this happens throughout the community, and I think you have to be very cautious and look about the perception and if you think it is a conflict of interest. And if you do have a concern, that is where the frontline supervisors and sergeants come into place to be able to guide you and go through those issues. It is a complex issue and it is not black and white and, unfortunately, policing is very grey. There is discretion and it is not just black and white and it can be very hard at times.

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MR ALLEN: Well, given the importance of integrity and appearances of integrity to the reputation of police officers in the service generally, would it be reasonable to draw a line, to make it black and white so that police officers are guided in whether or not to accept a gratuity?

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THE WITNESS: Rules and values, it is very, very hard. Police are part of the community. We come from the community. I think -- you have only got to go into, you know, probably smaller country areas, people know each other, and you get to know them through whether or not you are a police officer. Everyone knows what you do in some areas as a police officer, specially in smaller country areas, but it is a very hard thing and things aren't black and white -- as much as we may like it to be black and white, things aren't. But what we can do is provide guidance and assistance to people throughout this so they can make the appropriate decisions. It is like when our children grow up, we say to them we would like to be with them all the time so they can't get into trouble. That's impractical, you can't do that. We have to provide them with the lifeskills and the decision-making and ability to make the right decisions, and that is very important. And police are no different. We have to do that for the police. Like, I have been into places. I was working outside a nightclub in Ipswich and he offered me a drink. I said, no, I had a coffee there. In saying that, I was happy to buy him a coffee, too, or something there -- not that I went there socially -- I am a bit old for that. You know, at the end of the day, that's -- you've got to weigh it up, and by me accepting a coffee in the early hours of the morning, I didn't see that as expecting a benefit. I thought that is just someone being friendly and you are all working together -- not that I am working to assist them or cover up anything -- there is certainly no corrupt behaviour or activity there, I can assure you of that -- but it is part of life. And I have seen -- you know, I go back to whether it be the licensed club -- sometimes you have got to be friendly to people and talk to people. It is about human nature and if you stand off and are too officious at some times, it can be detrimental.

MR ALLEN: So I take it you wouldn't agree with, say, the Commissioner directing that police are not allowed to receive any benefit unless it is unconditionally available to all members of the public or has been obtained through membership of -- and membership fees of an association, club or organisation?

THE WITNESS: I think it is very hard -- an organisation, I was going to use the Union Shopper or DEFCON as an example, where they actively promote and say if you are a member of this organisation you will receive a discount. You have just got to --

MR ALLEN: You have used the Bar Association and Law Society example in the same context?

10 THE WITNESS: Absolutely. I think you have got to weigh -- what I am saying is -- and in this paragraph I made it gifts and benefit -- if it is an outlaw motorcycle gang and it is affiliated, my advice would be don't go there and stay away. The perception isn't good. You may go there all well intentioned, but it is a situation you don't need to place yourself in. That is my view. Because I won't accept corrupt or criminal or illegal behaviour, nor will my organisation on the behalf of police. And I have said this publicly through many media statements over the last 18 months since I've been there. I will not support corrupt, criminal or illegal activity on the behalf of police. And if they are, they are not a fit and proper person to be a member of the organisation. And I know through my stance, I am supported by 99.9 per cent of decent, ethical, professional, hard-working police.

MR ALLEN: Yes. Just drilling down that proposition a little more, leaving out the corrupt nightclub example, leaving out benefits that might be obtained by being a member of a union shopper-type arrangement, would it be reasonable for the
20 Commissioner to say police are not allowed to receive benefits that are not available to members of the public generally?

THE WITNESS: I think --

MR ALLEN: For example, half price McDonald's?

THE WITNESS: I think that's inappropriate.

MR ALLEN: Just make a direction?
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THE WITNESS: I think that's inappropriate. The half price McDonald's as an example -- I will give you another example. The Anticorruption Conference held and supported by the CMC last year, there was a night that was sponsored by a prominent wine company, so free drinks. That's the information I have. Does that mean that everyone who attended at that function -- and it was supported and sponsored by the CMC -- does that mean they are corrupt? Absolutely not. Those people have integrity. So if officers from the CMC or a function organised by them had free drinks, does that make them corrupt? The answer is no.

40 MR ALLEN: You seem to apply the test as to whether or not a police officer should accept a gift or gratuity as one of whether or not it is corrupt. That's not really the question, though, is it?

THE WITNESS: No, we're talking --

MR ALLEN: It is a question of public perception?

THE WITNESS: I am talking about the Australian way. And an example I read on a blog this morning, a concreter from Brisbane, he goes to a hotel with his workers

every Friday and he gets a couple of free drinks and they go back there and they get a lift home. He said, "Does that mean I am a corrupt concreter?" Absolutely not. He said, "I am there, Dave is a friend of mine and we are good friends and while we're there if some of the riffraff come in", he said, "we deter them. We are honest, decent, hard-working people." Obviously, as concreters, they may look a bit dirty and a bit rough but they are decent people. I think that we all come from the community. They are not corrupt, neither are police. And I think we have to be very careful about the distinction and the line that we go down because it is a perceived benefit. Just because someone gives you something, people can still do things for people in good faith, as a lot of people do each and every day.

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MR ALLEN: In paragraph 4 of your statement you talk about -- and this picks up something you have mentioned a couple of minutes ago -- the fact that the Queensland Police Union will support whistleblowers amongst its membership?

THE WITNESS: Yes.

MR ALLEN: Do you think that there's any benefit to be had in some type of formalisation of protocols between the union, the QPS and the CMC for support of officers who might be reporting misconduct against others?

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THE WITNESS: Absolutely. And I've spoken with the Commissioner of Police on this. Mr Chairman, I can't remember whether I mentioned it with you, but look, since I've come into the position I am, I have brought in policy where -- and it has been endorsed by the executive -- we will actively encourage police who give evidence against other police. We will also support whistleblowers. I see this as being very vital and very important, and recently some accommodation was provided to a whistleblower who needed to move for a period of time. And I won't go into the details, but that is something I'm doing as the police union, because I'm supporting honest, ethical, hard working police, and I will do whatever it need be to do that.

30

So it has seen significant change or the perception within the community of the police union, we are moving forward. I'm working with all the stakeholders that are involved in this, and I will work with the CMC and the police service to introduce these changes. I see it very important, and it's funny, a friend of mine, a former policeman, who is now a solicitor, he's gone to the other side, but he said to me, he never thought he would see the day where he would see the police union be backed on many occasions by the Queensland Council of Civil Liberties. This never happened. And I don't remember it ever happening when our former president, his brother was Terry O'Gorman, they didn't agree on many issues. But in the last 18 months there are some issues where we are poles apart, but we do agree on many issues, and I think that has seen quite a significant and a balanced change and we are moving with the times. And that is my commitment to the members I represent and I will continue down that line.

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PRESIDING OFFICER: You did speak with me about that and I commended that approach. I think it's very important.

THE WITNESS: I'm committed to that, Mr Chairman. For as long as I'm in this job, that is the direction I will take the organisation. And I think we really have to support -- because I can tell you now that the honest police have had a gutful of people who do the wrong thing, absolutely.

PRESIDING OFFICER: As you and I know, they are the ones who suffer the most.

10 THE WITNESS: Absolutely. And the issues on the Gold Coast, I can say, the honest, hard-working police, they have paid a tremendous price over the past 12 months. Anything that happens, they pay a price and they're sick of it, and I will support them and I will do all I can. But one thing I can say, if a police officer commits a criminal or an illegal or a corrupt act, they don't deserve to be a member of the organisation. The police officers who make mistakes and do the wrong thing but it's not criminal and that, I still think we need to support them, and they are worthy people to save who can be police officers.

MR ALLEN: Thank you.

20 PRESIDING OFFICER: Yes. Any questions?

MR CARMODY SC: Thank you, Mr Chairman. I just want to look at the nature of policing and this question that's being explored about conflicts. In a way, policing itself, or a large part of it, is the resolution of conflict on a daily base, isn't it?

THE WITNESS: It absolutely is. It is not an exact science, it's real life.

30 MR CARMODY SC: What do you say, can you write a book or a code that deals with everything that's likely to crop up, every dilemma, every quandary that's likely to crop up in an ethical context and give it a rule and enforce compliance with it, or do you need -- is a better way to instill and maintain the proper values and proper discretionary making decisions on your personnel? Which is the best way forward, do you think, the most realistic?

THE WITNESS: Realistic, we have to have a mixture of both. We need a series of rules and moral values and they need to intertwine together. You can't have one without the other.

40 MR CARMODY SC: Right. There are times -- it's like the Tax Act, I suppose, you can't always cover every aspect of police life, can you --

THE WITNESS: No, it's absolutely --

MR CARMODY SC: -- with a current rule book. How do you say is the best way for police to deal with those ethical issues that arise when they are on the job? Just let's deal with on the job first, these examples that have been given, free drinks, what test do they apply?

THE WITNESS: I think they need to look whether or not there is a perceived benefit or what would the community expectation be, and carefully consider that with a balanced view and rely on guidance -- not on guidance if you're unsure, from your experienced sergeants.

MR CARMODY SC: Bearing in mind the results of Tesco and your experience as a police officer, is that test applied any differently by police to anybody else in the community?

10 THE WITNESS: No, it doesn't seem to. Look, as I say, we come from the community and we can't be singled out.

MR CARMODY SC: Applying that test, would you say most police come up with the same answer?

THE WITNESS: Absolutely. 99.9 per cent of police.

MR CARMODY SC: It's not really difficult to work out what's right and what the wrong, is it?

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THE WITNESS: We've all got common values and we should know right from wrong, we're taught from a very young age.

MR CARMODY SC: The people who do the wrong thing, they are not ignorant of it, they just make a choice to do it.

THE WITNESS: They probably make a very bad choice.

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MR CARMODY SC: All right. You've said that one of the ways of preventing a situation arising where a bad or an at-risk officer or a problem officer or one with a bad attitude or a wonky set of morals, or someone who's just looking after his self-interest, if you can prevent that person from being in the situation of making the wrong decision, that would be better than trying to mop up the mess that they make after they have done it; right? You said one of the ways of doing that would be preventing, through frontline sergeants and supervisors?

THE WITNESS: Absolutely.

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MR CARMODY SC: What about in the beat context of beat crews, what would you expect them -- how could that be improved?

THE WITNESS: Could you say that again?

MR CARMODY SC: Beat crews at Surfers Paradise on the weekends?

THE WITNESS: If you've got the supervisor there monitoring, like if the troops go off in a pair of two, to fluctuate between each group from time to time, provide them with assistance and guidance throughout the time. And a simple example, you may see a junior constable talking to someone in an inappropriate way. You

can nip that in the bud and say, "Look, I think that was inappropriate there, you need to tone down or tone up," whatever the situation is. Give them some guidance and assistance, because we are throwing them out there with little or no experience.

MR CARMODY SC: What ratio of supervisor to team member in a beat crew would you want to see?

10 THE WITNESS: Depending on how it's worked. Look, at least your 1:10 as a minimum on somewhere like the Gold Coast, for the sergeant to be able to supervise them effectively, and that is ensuring that we don't have all the administrative tasks and every other duties available for them to do as well.

MR CARMODY SC: All right, well, let's step back a bit. The sergeants are one preventative method. What do you say, do you see training as having any role in preventing bad decisions being made by at-risk officers?

20 THE WITNESS: Absolutely. And we need to look at high risk areas and see if there is a high risk area and provide additional training to the appropriate location, because not one size fits all.

MR CARMODY SC: At what point should they have the training?

THE WITNESS: Very early in their service, and it should be continual, and with the Dangerous Liaisons report, when that was put through by the service, all commissioned officers and all sergeants and detectives attended that training. But under those ranks, people weren't required to. They were advised they should read the report. I think you need to get in early and very quick and teach people right from the start, you can't just let things go on.

30 MR CARMODY SC: There is a bit of training, obviously, at the academy and at recruit stage. How would you improve the training they get about ethical issues? I think you mentioned some scenarios and simulations in your statement. What have you got in mind there?

40 THE WITNESS: Scenarios and simulations tell people what it's really like and what the public expectation will be and give them examples of things you may or you may not come across, so they have got the ability to make a decision, but always say, "If you are unsure, seek the advice of a supervisor and don't be afraid to ask questions."

MR CARMODY SC: All right. You were talking about the free hamburgers or the petty gratuity situation before.

THE WITNESS: Yes.

MR CARMODY SC: There have been suggestions made by some of the commentators -- my learned friend referred to it before as the slippery slope, that is, it's the beginning of an escalation into corruption, right, a bit like using marijuana and ending up on harder drugs, and you said you don't necessarily ascribe to that

view. What do you say about the suggestion that the public should be prevented from offering gratuities to police as much as police should be prevented from receiving them?

THE WITNESS: A very hard thing to police. It's the Australian way, it's the society we live in. We can't have blanket rules for police and then the rest of the community. We're part of the community. We've got to look at what is reasonable.

MR CARMODY SC: And enforceable?

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THE WITNESS: And enforceable; as I say, it's not an exact science, you can't have a rule for everything.

MR CARMODY SC: If you have too many petty rules, it's just another rule for people to break, isn't it?

THE WITNESS: That's right, and the more rules you have -- there is that much available knowledge and things you have to know, you simply can't know everything.

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MR CARMODY SC: You would have an industry in discipline, won't you?

THE WITNESS: You have to be disciplined, but we have moral values, encourage moral values, they are very important, and it's part of being a police officer. If you don't have them, you've got problems.

MR CARMODY SC: Some of the commentators suggest that gratuities blur the line and send confusing messages to people?

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THE WITNESS: Absolutely. Look, I've been in the police for 21 years now, I haven't seen that. Look, I've had my fair share of half price McDonald's, and I'm not corrupt.

MR CARMODY SC: McDonald's must have something to gain. Why would they do that? What are they after, do you reckon?

THE WITNESS: My understanding is it is a worldwide business decision, and it's something they have offered, and it happens all over the world, and it's not just for police, it's for emergency services personnel.

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MR CARMODY SC: One thing that springs to my mind is that McDonald's might see a preponderance of police presence as cheap security and encourage more people to come to their establishment and buy more of their product?

THE WITNESS: That may very well be the case.

MR CARMODY SC: That's just business?

THE WITNESS: That's just business in the world that we live in. Obviously,

police continually go to McDonald's. But on the other side of that is people go there and they probably feel safe and secure.

10 PRESIDING OFFICER: You've got to think of perceptions as well, don't you? I mean, I recall vividly being told by a senior police officer in an American force, whose obligations related to ethical performance by police, he said, you know you've lost a beat policeman when he stops taking his lunch to work. I said, why? He says, because someone is giving him a free feed to ignore something he should be noticing. That's one perception that he had. It's not -- one of the difficulties
10 always is that you and I might believe that we are ethical or we act in that way, but you have to be careful of other people's perceptions of the world are rather different from ours. It's very complicated, I know.

THE WITNESS: It is, Mr Chairman.

MR CARMODY SC: Can we deal with that just before we go on? You spoke before about your integrity test being based on is there some expected reciprocation, and Mr Allen was asking you, well, what about public perception, and the Chairman has also raised that as well. How do you think a public
20 perception test can be applied on the beat, if you are being offered a free meal? How would you do that? What questions would you ask yourself?

THE WITNESS: It's very, very hard on what the public at times, what they may think or may not think. There are a lot of people within the community who get different things, depending on what they are doing and where they are. But I do not believe that the public would see half price McDonald's as corrupt activity.

MR CARMODY SC: If you take gratuities off the policeman on the beat, the free coffee, you would also have to take the free trip to the corporate box to watch the
30 Broncos from the commissioned officers too, wouldn't you?

THE WITNESS: Absolutely, and I know --

MR CARMODY SC: Otherwise you get a sense of hypocrisy.

THE WITNESS: There are businesses all around the place, my father is in business, he has been all his life. He takes people to the football, he takes them to dinner, and I'll be honest, he wants their business. But that's business and that's the
40 private world.

MR CARMODY SC: What do you say about the reliability of the public as being the best indicator of probity?

THE WITNESS: I think generally, deep down, the majority of the public are a silent majority and they won't have an issue. When you see a lot of things and people have different views, I truly believe they are a minority.

MR CARMODY SC: Take Tesco for example. I suppose you could view it in two different ways, it depends where you're coming from. Some could say, that's pretty

negative. We have a serving police officer and a former police officer and eight other people of these associations and being sick in cars; a bad look. On the other hand, you could look at it and say, after a long covert investigation by the premier anti-corruption agency in the state, they have come up with that, and that's not bad.

10 THE WITNESS: What I think as a result of Operation Tesco, I think it has really given the police service a very, very strong tick of approval, it shows it's very healthy. Because what I can say is that it has identified one former police officers and one police officer who will face the courts. Now, when we look at the entire numbers of police down the Gold Coast, it gives them a clean bill of health. Yes, there are some who will face issues of misconduct -- and it is alleged at this point in time -- but, if that is the case, what it does show is the system is working, it has been identified and dealt with. But it shows that 99.9 per cent of police are decent, honest, and hard working and there is not endemic corruption. So I'm very happy, and Operation Tesco has confirmed what I honestly believed.

20 MR CARMODY: The other problem with the public perception test is that it assumes wrongly that there is a standard and common set of values within the community.

THE WITNESS: Absolutely.

MR CARMODY SC: Now, rotation, that's been raised as perhaps a way of corruption-proofing the Gold Coast, and you have had something to say about that. Can I look at -- ask you to comment on some of these things. One of the things, whatever benefits rotation has, is that it takes away specialist knowledge out of an area, when you take someone who's been there for a long time out of the picture?

30 THE WITNESS: Absolutely it does, and that is very dangerous.

MR CARMODY SC: What would you say if the rotation was enforced, not punitive but involuntary? What effect would that have on the station they were going to and them personally?

40 THE WITNESS: You would lose a lot of local knowledge, which you just can't replace overnight, and secondary, it would have a significant impact upon the police officer, not only them and their family and their work output, and at the end of the day, although it's affecting the police officer and their family, the service to the community will not be as good as it could be. They will get a second class service through not the police officer being deliberate, but we are all human and that's the way we are.

MR CARMODY SC: Now, I'm at the Gold Coast, the Gold Coast is a hot spot, as we've seen, and you're the police commissioner, you want me to go there, you're going to give me an incentive to get there. But there's also Townsville, which is a hot spot; are you going to give me an incentive to get me there or get someone else there? And are they going to be the same incentives? How would you work it?

THE WITNESS: It's a very difficult thing, and I think it's something that the police

service and the police union and in conjunction with the CMC, we could sit down and assess this and work together to try and achieve the optimum result.

MR CARMODY SC: But giving incentives to one group of police to go to a particular place could have a backlash in some other sections of the service, couldn't it?

10 THE WITNESS: Absolutely. Look, we've got the rural incentive scheme for police officers who work in indigenous communities and other parts of the state, they get it, and some people are jealous that they get it in different parts of the state, and why shouldn't they? Look, that's human nature and we are not going to get around that, but what we do need to look at is what will work and what can be assisted, and what I've said is we also need to look at exit strategies for people who go to these hard-to-fill locations.

MR CARMODY SC: Can you just tell us, if you wouldn't mind, what you see as being right and what you see as being wrong about random integrity and drug and alcohol testing?

20 THE WITNESS: What concerns me is that at this point in time we have targeted testing. I think it's worked quite well, where there is a reasonable suspicion. One, there is a cost associated with it, and the cost is a secondary thing. I do not believe there is an issue. Operation Tesco, I believe the results are concrete, it has identified there isn't an issue.

30 What we do need to look at, if there is alcohol or other issues, look at the welfare side to see what we can do down that side. I don't believe it is an issue. I know since the random alcohol testing has been introduced within the police service, the results have been very, very good and confirmed what I already believed. But in relation to random drug testing, I don't believe it's an issue, I believe it would be a waste of time. Drug use is not --

MR CARMODY SC: Does the Queensland Police Union have the same views as other police unions around Australia about that?

THE WITNESS: Absolutely, yes.

40 MR CARMODY SC: There are two arguments about random testing. One is they say that it produces low positives, which is proof that it deters. Others say the low positives are proof that there was nothing there to find in the first place. How do you resolve that?

THE WITNESS: I think you've got to look at moral values, and that's where it comes down to. Instil values into people, give them direction and supervision. I know we've talked about police, we are dealing with people's lives, it's a very difficult job. But do we go to teachers, nurses, doctors, judges, our politicians? I just think, at what point do you do it? Is it just the police we want to police, or nurses and doctors who are dealing with people's lives, can we let that go?

MR CARMODY SC: One argument for discriminating has always been that, well, a drunk policeman on duty has a gun, and other occupations don't. What do you say about that?

THE WITNESS: Absolutely. The culture has significantly changed within the Queensland Police Service, 30 to 40 per cent of complaints are self-generated from within. I know now, if an officer turned up and was affected by liquor, it would be reported and dealt with accordingly, it just won't be tolerated.

10 MR CARMODY SC: I just want to ask you a couple more questions, and this time it's really about the integrity system within the service itself. Do you accept as a general proposition that a service like the police needs a high quality integrity system?

THE WITNESS: Absolutely.

MR CARMODY SC: That would include, as you have already said, close supervision at street level?

20 THE WITNESS: Yes.

MR CARMODY SC: It would also include a good complaints and discipline system?

THE WITNESS: Absolutely.

MR CARMODY SC: Has the QPS got one of those?

30 THE WITNESS: There is a discipline system, and obviously working in conjunction with the CMC, but I have been involved with the discussion with the police service and the CMC -- and I've spoken to Mr Chairman about this -- on how we can probably improve it, to have a more efficient and effective and streamlined discipline system which will benefit every person involved. It is long overdue and there is a lot of work to be done. But you need a discipline system, you cannot have an organisation such as the police without a system in place.

MR CARMODY SC: The other component of a state-of-the-art integrity system would be early intervention, do you agree with that?

40 THE WITNESS: Absolutely.

MR CARMODY SC: For early intervention to work, you would need signs, warning signs, wouldn't you?

THE WITNESS: That's right.

MR CARMODY SC: What's the best way of having risk identifiers or warning signs so that you can manage them early?

THE WITNESS: Supervision, and encouraging people, if they know there are some issues personally, that they can come forward, it can be dealt with as a welfare issue, and we can provide the assistance and guidance needed. We cannot have a system where people are living under fear. We have to encourage people to come forward and self-report, if that may be, and be honest and open. We have abrogated, and I have spoken to our teams of lawyers within the police union, we've got to be upfront and our members need to be accordingly. But a system where the welfare issues exists, it's very important.

10 MR CARMODY SC: I think you've already said that mandatory in-service ethics training on an ongoing basis is essential as well?

THE WITNESS: Yes, ongoing, supported by frontline supervision.

MR CARMODY SC: And properly focused?

THE WITNESS: Absolutely.

20 MR CARMODY SC: That is, you need to teach supervisors how to be good supervisors, and that doesn't necessarily mean just being a good sergeant?

THE WITNESS: That's right.

MR CARMODY SC: Now, what about supervising the supervisors, how do you do that? You see, how do you guard against the situation where the driver of the blue light taxi is a sergeant?

30 THE WITNESS: What we have seen introduced -- and with the use of police vehicles for transport, that is something over many years that has been supported by senior management and the Commissioner of Police himself. Now, recently he's brought in policy where any transport that is conducted will be reported. So I believe it's being dealt with. It's going to be recorded, it's open and it's accountable.

I can say, as a police officer, I have given some police officers a lift, as have members of the community. I do all I can to keep someone out of a watchhouse. And if someone is drunk or they are playing up or they need a lift home, I'll give them a lift home, they are safe and that's where they need to be.

40 MR CARMODY SC: My real point was focused on the sergeant rather than what they were doing. Just say it was the sergeant who was the one; you have to guard against risks of misconduct by them as well, don't you?

THE WITNESS: Absolutely.

MR ALLEN: How do you do that?

THE WITNESS: Well, with the sergeants -- and people have to know that if they think something is inappropriate, they can go and talk to someone else if they are in

a particular team. Whether that be another sergeant, a senior sergeant or a commissioned officer, you have to know you have the ability and the confidence to be able to go and do that.

MR CARMODY SC: All right. The last question is that it seems to me, anyway, that an integrity system can't work in an organisation like the Police Service unless you have got a collaborative approach between the policy makers, that's the Police Commissioner, and the police union on behalf of the members. Do you agree with that?

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THE WITNESS: That's right.

MR CARMODY SC: All right. At the moment, the relationship between the police union and the QPS management, executive management, how would you describe it?

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THE WITNESS: Look, we're continually working, and since I have been in this position, I actively will work with the service in many, many different areas to achieve the best possible outcome, and I am starting to see it as a two-way thing and we need to work together. Certainly, the service, they make the policy, they put procedures into place but we have to ensure that they are to the betterment of everyone involved, and I represent my members but we're all looking at the end of the day, I believe, trying to achieve the same goal but we can work in conjunction with one another to get the best possible outcome.

MR CARMODY SC: So on conduct matters are you consulted by the Police Commissioner in policy making areas?

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THE WITNESS: Sometimes we're not and that can be very disappointing at times. There was a decision made recently -- I wasn't advised whatsoever until after it -- and that was the decision with management down the Gold Coast. I believe my organisation, I could have had a lot of input into that, as I believe we could have -- I had a different point of view in some ways, but it should occur and at all times because -- look, I represent over 10,000 police and the Commissioner has got his job to do as well.

MR CARMODY SC: Well, that's one of the exceptions but by and large is it a pretty good collaborative approach?

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THE WITNESS: Yes, it is.

MR CARMODY SC: That's all I have, thanks.

MR MACSPORRAN SC: I have nothing.

PRESIDING OFFICER: No further questions?

MR WATTERS: I have nothing, Mr Chairman.

MR ALLEN: No re-examination.

PRESIDING OFFICER: Thanks very much, Mr Leavers.

THE WITNESS: Thank you, Mr Chairman.

WITNESS EXCUSED

MR ALLEN: And we would be ready to resume at 10 am tomorrow.

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PRESIDING OFFICER: All right. We will adjourn until 10 o'clock tomorrow.

THE HEARING ADJOURNED AT 3.42 PM

EXHIBITS

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EXHIBIT 126	Attendance notice and oath of service	3636
EXHIBIT 127	Statement of Ian John Leavers	3637