



**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 45 – TUESDAY, 21 SEPTEMBER 2010**

**(DURATION: 165 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 – MICHAEL WILLIAM DOWIE**  
**LR Legal Representatives - ALAN MacSPORRAN SC, with him MICHAEL NICHOLSON, instructed by KATE BRADLEY; MARTIN BURNS SC, with him CHRIS WATTERS, instructed by DANIEL CREEVY; TIM CARMODY SC, with him TROY SCHMIDT, instructed by CALVIN GNECH**

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**THE HEARING RESUMED AT 12.28 PM**

PRESIDING OFFICER: Yes, Mr Allen?

MR ALLEN: Chairman, I call Michael William Dowie and ask that he be sworn.

PRESIDING OFFICER: Yes.

10 **MICHAEL WILLIAM DOWIE, SWORN**

MR ALLEN: Your full name is Michael William Dowie?

THE WITNESS: That's correct.

MR ALLEN: You are a detective inspector with the Queensland Police Service?

THE WITNESS: That's correct.

20 MR ALLEN: You have received an attendance notice to come here today to give evidence in these matters? And do you recognise that as being a copy of the attendance notice?

THE WITNESS: Yes, I do.

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

PRESIDING OFFICER: Exhibit 119.

30 **ADMITTED AND MARKED "EXHIBIT 119"**

MR ALLEN: Have you signed a statement dated 19 September 2010?

THE WITNESS: Yes, I have.

MR ALLEN: Can you tell me if you recognise this as being the original statement and also a time chart which is referred to in your statement?

40 THE WITNESS: That's the statement I prepared and my signature appears on it. This timeline was prepared on my behalf by an intelligence officer.

MR ALLEN: I will tender that as one exhibit, please, Mr Chairman.

PRESIDING OFFICER: All right. That's Exhibit 120.

**ADMITTED AND MARKED "EXHIBIT 120"**

MR ALLEN: Do you have a copy of your statement to refer to if need be?

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THE WITNESS: I do.

MR ALLEN: If I could go to page 8 of your statement and the heading -- sorry, I will withdraw that. If I could just deal with your position. You have confirmed that you are a detective inspector. Do you carry on duties as the officer-in-charge of the Gold Coast district Criminal Investigation Branch Southern Investigative Group?

THE WITNESS: That's correct.

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MR ALLEN: So on the Gold Coast, there is a Southern Investigative Group, which is based at Burleigh Heads?

THE WITNESS: That's correct.

MR ALLEN: And the Northern Investigative Group, where is that based?

THE WITNESS: At the Surfers Paradise regional and district headquarters, Ferny Avenue.

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MR ALLEN: All right. And the Southern Investigative Group, where is the effective boundary between the territory of the Southern Investigative Group and the Northern Investigative Group?

THE WITNESS: Basically, it is Broadbeach, up around the top of the racecourse, out through Arundel out to the M1 all the way down to the New South Wales border.

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MR ALLEN: All right. Now, you yourself commenced service with the Queensland Police Force, as it then was, in January 1981.

THE WITNESS: As an administration officer in the Yeppoon police station, yes.

MR ALLEN: I see. And you graduated from the academy and were appointed as a police officer in June 1986.

THE WITNESS: That's correct.

MR ALLEN: You have been a detective since October 1991?

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THE WITNESS: I started my detective training in October 1988 and I was appointed as a detective in October 1991.

MR ALLEN: And have you worked as a detective since?

THE WITNESS: Yes.

MR ALLEN: And for how -- when were you appointed as the detective inspector and officer-in-charge of the Southern Investigative Group?

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THE WITNESS: My promotion to commissioned rank was -- the appointment date was 27 April 2009 and I took up my position on 5 May 2009.

MR ALLEN: Who do you report to? Who is your immediate line manager?

THE WITNESS: Superintendent Keogh, the district officer.

10 MR ALLEN: And does he have superintendents who are both plain clothed officers through you and also uniformed officers?

THE WITNESS: That's correct.

MR ALLEN: If I could go to that page 8 and the topic of supervision. Those steps that you detail in paragraphs 35 through 38, are those steps which assist in monitoring whether plain clothes officers in the Southern Investigative Group attend their shifts as required and undertake allocated tasks as required?

20 THE WITNESS: Yes.

MR ALLEN: And how do they do that? I suppose, firstly, the debriefing in paragraph 35 that you refer to enables the detective senior sergeant to find out what those officers have been doing during the shift?

THE WITNESS: That is correct.

MR ALLEN: How does he do that? Is it simply by verbal reports from those officers?

30 THE WITNESS: Also verbal reports from them bearing in mind they are finishing their shift, so it is basically a handover. A lot of it is to do with what needs to be followed on into the next shift, so from an investigation that was commenced during the night work shift, he -- once he's finished his verbal briefing, he sits down, he analyses the report of crime from overnight, the occurrence sheets from overnight. I normally get into the office around 6.30 and then he briefs me on what's occurred overnight and what's happening for the shift.

MR ALLEN: And then in paragraph 36 you refer to an 8 am weekday morning read-out.

40 THE WITNESS: That's correct.

MR ALLEN: Who attends that?

THE WITNESS: Everyone does unless the response team that start at 6 have to be out on an investigation, or anyone else who is rostered 8 to 4 on that day. The administration senior sergeant normally attends that meeting, so does the intelligence analyst, and the meeting is chaired by the detective senior sergeant operations and that's to establish what people have got on for the day, if he has to

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task them, you know, what court's on, and that sort of thing.

MR ALLEN: Is there a similar process that you refer to in paragraph 37 for the commencement of the 2 pm to 10 pm shift?

THE WITNESS: No, we don't do a read out at 2 pm. They simply present to the detective senior sergeant operations at 2 pm when they start their shift to find out whether or not they have got any specific taskings from him for their afternoon shift, and tell him what they intend to do for that shift.

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MR ALLEN: I see. How do you then monitor that the allocated tasks are being performed by the plain clothes officers during the shift?

THE WITNESS: Well, obviously if they are asked to do something the next -- when we go back and they haven't achieved that, then they will have to explain to us why they haven't achieved it. That may be that they were diverted to another investigation, or reported offence or something. You know, they may be asked to go and take a statement for someone, for example a major incident room, they may go there and find out that person is not at home. So they have to report back to the senior sergeant, or they will make a note on the occurrence sheet which we will get the next morning and read and find out what -- whether they did do it or whether they didn't and what hindered it.

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MR ALLEN: All right. Are the plain clothes officers allocated tasks which will fill in the full shift, specific tasks which you are then able to check whether they have been achieved or are there periods within a shift when they are meant to carry out unspecified duties, such as patrols or other things?

THE WITNESS: Unless there is a specific job that they have to do, they are required to manage their own time, they have, you know, at times 20 to 30 investigative tasks that they have to manage themselves. So if the senior sergeant doesn't specifically assign them a particular job, which would be from what we call a response job, then it is about them going to their files and continuing with their files, taking witness statements, preparing Court briefs and all those types of things. They may, you know, if they are out of the office, then they would be expected to be on the lookout for, obviously, any person that may be of interest to us for intelligence purpose, whatever, and perform street checks and things like that, and that is part of their job.

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40 MR ALLEN: How do street checks fit in with their normal duties?

THE WITNESS: I would expect them, for example, if they saw a nice hire car driving down the road with what appears to be three or four outlaw motorcycle gang members in that vehicle, then I would expect them to intercept and identify those people and submit a street check, for example, to say that these people are associating together.

MR ALLEN: So it is not like they are allocated a particular time or a particular number or quota of street checks to achieve?

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THE WITNESS: No, but it is -- it is one of the statistical ways we can identify whether they are being proactive during their shift.

MR ALLEN: So is it expected that plain clothes officers will make a certain number of street checks during their shift?

10 THE WITNESS: Well, yeah, street checks, as I said, are one of the tools that we use to monitor productivity. Now -- well, that's it, yeah, so are arrests, so are intelligence reports, so are the timeliness that they do their correspondence, and a whole range of things, but that is one aspect.

MR ALLEN: You mentioned occurrence sheets. Are they an important tool in officers recording what they do during a shift?

THE WITNESS: Yes, it is.

MR ALLEN: Are there any other ways by which such activities are recorded?

20 THE WITNESS: All plain clothes staff are required to maintain a diary under the QPS policy and that diary is to be maintained in a timely fashion.

MR ALLEN: Okay. And what activities must be recorded in the diary, according to policy?

THE WITNESS: Reference to who they have spoken to, who they may have interviewed, contact with informants, attending Court, a whole raft of things.

30 MR ALLEN: And how does the occurrence sheet differ as to what's recorded in there?

THE WITNESS: Occurrence sheets give a lot more detail, whereas the diary is basically a running log to remind them of the tasks that they done at some later time. Often we won't record -- it may not be possible to record exactly what took place with, say, a meeting with a human source because that's an open document and it may appear -- by putting information on that sheet it may identify that source, so they put it in their diary and that's reported in contact advice reports or the like.

40 MR ALLEN: So these processes that we've discussed so far whereby officers are tasked with certain activities and they're required to record in various means what they do through -- during a shift, do they, in your opinion, allow supervisors of the plain clothes officers to effectively monitor what the officers are doing during their shift?

THE WITNESS: Yes, they do.

MR ALLEN: To the extent that a supervisor would be aware as to what or where plain clothes officers are travelling?

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THE WITNESS: Oh, look, we don't know where they are travelling for -- you know, the entire shift. I mean, they -- they might walk out of the building with five files and have five different addresses to go and visit. What order they do them in, you know, like they are tasked to drop the mail -- the night wireless is tasked at some stage during their shift to drop the mail at Surfers Paradise, things like that, so they do that in their own time management.

10 MR ALLEN: But is the system such that you can be confident that police officers who are out in police vehicles are actually carrying out police duties?

THE WITNESS: That's right.

MR ALLEN: All right. Look, some of the evidence that's been gathered by the CMC during Operation Tesco relates to the practice which has been referred to as blue light taxis.

THE WITNESS: Yes.

20 MR ALLEN: For example, evidence was given by a plain clothes officer that he'd given lifts using a police car to off-duty officers anywhere up to 50 times. He indicated he did not know whether there was any QPS policy about -- against that type of conduct. You are aware it is a widespread and accepted practice?

THE WITNESS: I am aware that police over my career have provided transport to police officers for a variety of reasons. I understand from snippets of information that I have heard that have resulted from this inquiry that that has been taken well and truly out of context and that some of the behaviours of some of the police is not acceptable.

30 MR ALLEN: For example, there is evidence from a number of sources that on one occasion the number of police who were being transported, the number of off-duty police being transported to Surfers Paradise night spots or their homes required the use of two police cars travelling from Burleigh Heads station. Would that surprise you?

THE WITNESS: Yeah, it would.

40 MR ALLEN: And just in relation to that particular evening, those cars were used to transport officers from Burleigh Heads to Surfers Paradise and then later in the night, a police car was used to collect officers from Surfers Paradise and drop them to various addresses at Currumbin, Varsity Lakes and Broadbeach. You would say that that would be an isolated incident, or are you simply unaware of the extent of the practice?

THE WITNESS: I would say that if that is a regular occurrence and I was aware of it then it wouldn't be a regular occurrence today because I would have specifically directed them to stop that practice. I am aware that occasionally there are times when a police officer may need a lift, but to use the vehicles and the shift as a bus

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service is not acceptable and I have made that clear to my staff, anyway.

MR ALLEN: All right. Look, I am going to ask you to listen to a piece of audio. I am going to suggest that it is a telephone call between two of plain clothes officers from the Burleigh Heads CIB. And it occurs on the day following the journeys that I have put to you. Legislative restrictions would mean that, Chairman, you should direct the media that they are not to record the audio that's being played.

PRESIDING OFFICER: Yes, I so direct.

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MR ALLEN: Thank you, Chairman.

TI PLAYED

THE WITNESS: I can't hear that, sorry.

MR ALLEN: We are having technical difficulties.

PRESIDING OFFICER: I will just repeat the warning about the publication of what's said on these tapes being forbidden.

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MR ALLEN: Yes, it shouldn't be published in any means, or recorded.

PRESIDING OFFICER: No.

TI PLAYED

PRESIDING OFFICER: In fact, to put it more specifically, I think what the legislation says is that the content of the information is not to be conveyed to any other person outside of here.

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MR ALLEN: Perhaps if we have a luncheon adjournment now, it may be necessary to confront the technical difficulties, Chairman.

THE WITNESS: I can advise you, I'm aware of this incident. This is where one of the fellas threw up in the back seat of a police car.

PRESIDING OFFICER: You might be right.

THE WITNESS: I don't really need to hear it, I know what it's about, I've read the transcript.

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MR ALLEN: You have read the transcript?

MR MACSPORRAN SC: Can I just raise it, we wrote to the CMC late last week and asked them, if this was going to be done, could we at least have advance warning of the material to be relied on. This is material we have never seen, we don't know who the parties are, and I'm just concerned that there might be matters that we can deal with from this material, with some notice of what it is. We can't

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do anything if it's just produced like this and we're stuck with --

PRESIDING OFFICER: The obvious solution, given the position that the equipment is playing up, as it inevitably does in these circumstances, that we can adjourn now and resume at 2 o'clock, and by then some arrangements can be made to address the issues that you mention now, as well as get the system working.

10 MR MACSPORRAN SC: Yes. Although I make the obvious point that it's late in the day to be trying with deal with this on the run. Anyway.

PRESIDING OFFICER: Yes, but if you feel in any way disadvantaged or compromised by that after you've had the opportunity to have some idea of what it is, then we can deal with that as and when it arises.

MR MACSPORRAN SC: Yes.

PRESIDING OFFICER: Okay. 2 o'clock.

20 **THE HEARING ADJOURNED AT 12.51 PM**

**THE HEARING RESUMED AT 2.05 PM**

MR ALLEN: Mr Chairman, before continuing with the detective inspector's evidence, can I raise a couple of issues.

30 There have been inquiries made by media organisations over the luncheon adjournment with respect to their position regarding the publishing of any content of lawfully intercepted information, such as telephone interception material which might be produced during the course of this public hearing. The use by the CMC during this hearing of such lawfully intercepted material is for a purpose permitted by the Telecommunications Interception and Access Act 1979 -- of course, Commonwealth legislation. Any further dealing with that information by any person who becomes privy to it during this hearing, including the media, may be regulated by the Telecommunications Interception and Access Act, and it is a matter for recipients of the information, including the media, to be aware of the provisions of that Act and take their own advice with respect to any restrictions that might apply pursuant to that Act.

40 The other matter is the issue raised by my learned friend Mr MacSporran SC regarding the details of any intercepted telecommunications material that might be played in the course of the hearing. It is my submission that during the course of this hearing witnesses may be asked to comment upon information that has been obtained in the course of the covert phase of Operation Tesco, including closed investigative hearings, that may be put to witnesses for their comment in a number of ways, by way of summary, reference to transcript from the closed hearings or, in the case of telephone interception material, by asking them to listen to the audio and/or peruse the transcript.

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There is no magic attaching to the fact that such evidence a witness may be asked to comment upon is in the form of recorded audio, and in my submission there is no particular requirements by way of procedural fairness that that information be detailed in advance to the legal representatives of any of the parties.

10 I say that as a general proposition, of course. If in a particular instance a party may feel disadvantaged by the fact that they have not had an opportunity in advance to consider that material, I expect that you, Chairman, would be receptive to any arguments that they -- that remedial steps be taken to give any of the parties an opportunity to address such material by way of substantive evidence or submissions.

It's a matter on the record that the parties have not had any detailed advance notice of such material, but it is, of course, in my submission important to note that such material falls within the ambit of the type of evidence that was opened yesterday.

So those are my submissions on that matter.

20 The only other matter I should place on the record is that Superintendent Keogh, who is the witness to be called after the current witness, is present in the hearing room, not only with the consent of the CMC but at the suggestion of the CMC, with a view towards perhaps facilitating the giving of his evidence, which could include comment upon Detective Inspector Dowie's evidence.

PRESIDING OFFICER: That will certainly facilitate moving it much more quickly if he has heard the evidence, yes.

30 MR ALLEN: Those are the only preliminary matters.

PRESIDING OFFICER: Anything to be said by counsel in respect of that?

40 MR CARMODY SC: If I may, Mr Chairman, we object to the use of the IT material on a number of grounds. One is we have not had any warning about it. Two is that the purpose of the public hearing could be just as well served without the content of the intercepted information being made public, on the basis that whatever is sought to be proved by it could be assumed and any comments that the witness can usefully make on it can be made on that basis, rather than having to prove a specific conversation between two unidentified witnesses, he has to make assumptions about who they are anyway.

PRESIDING OFFICER: He may or may not have to make assumptions. It may be clear to him who it is.

MR CARMODY SC: Unless he knows who M1 and M2 are.

PRESIDING OFFICER: Not necessarily.

MR CARMODY SC: The more substantial or equally substantial objection is this:

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under the interception legislation the information cannot be published unless it is authorised by the TIA Act, and one of the authorised purposes under that Act is for an authorised purpose of the CMC.

Now, holding a public hearing for the purposes of public information and, having regard to section 34, promoting the public confidence in the administration of the police service, and also the performance of the functions of this commission, might well be one of those authorised purposes through which the media could then publish the content of the intercepted information quite lawfully.

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PRESIDING OFFICER: Well, that is a matter for the media.

MR CARMODY SC: But its effect is on us, because what we have in this is a conversation by two unaware participants who speak not only in the vernacular, but who may one day face some proceedings as a result of this or as a result of connected activities. They themselves may be prejudiced. But, more than that, it is going to be salacious. You can see from the report this morning -- I must have been at a different place yesterday from what I read in the paper this morning, about the nature or the overwhelming nature of the evidence that was given yesterday. But the media is obviously interested in the more spectacular aspects of it, and this the media can misuse the contents for that purpose and not serve the proper purposes of the Commission's inquiry, and we say the cost benefit analysis makes the playing of it inexpedient, at the very least. What's the point?

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PRESIDING OFFICER: I don't understand.

MR CARMODY SC: What is the point of playing it? What's the advantage of playing the content over the audio and then saying you can't report it, just to have him make some comments about it? We don't see the forensic function that the TI playing achieves.

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PRESIDING OFFICER: I suspect you might, but anyway.

MR CARMODY SC: (inaudible)

PRESIDING OFFICER: Do you want to say anything else on the point?

MR CARMODY SC: Not unless you want to engage in a debate.

40 PRESIDING OFFICER: I'm not engaging in a debate about it at the moment, at least until I know the position of other counsel.

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

MR MACSPORRAN SC: If I could just advance my submission just briefly in this way: in our submission there is no legitimate forensic purpose in playing the material. It is not a case where there is some debate about, or there can be any debate, about the contents.

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PRESIDING OFFICER: Let's assume that to be right for the purpose, what is the consequence? That does not make it, as such, inadmissible, does it?

MR MACSPORRAN SC: Well, it makes it largely, if not totally, irrelevant. The parties here are coming here with an understanding, and there is no contest about this, there is a small number of police at the Gold Coast who have been identified through this and other evidence as having been guilty or potentially guilty of misconduct, and in some respects very serious misconduct, if not criminal offences. That is not an issue. No one is debating that fact. That fact can easily be dealt with by an assumption of that fact by all parties here without the playing of this salacious material, because it can't be dealt with by us as parties. We can't say, "All right, that is M1 and D1 and D2 again. Yes, we have heard them talking again in a very serious way that doesn't bring credit to them and their conduct." We all know that, there is no debate about that.

PRESIDING OFFICER: No debate about particular conversations. That might be --

MR MACSPORRAN SC: Your Honour, if there is debate about particular considerations, we can't deal with it. That is the whole point about the lack of notice of what is on these tapes. They are conversations with people we don't know the identities of. We might strongly suspect who they are, by the content, but we are not in a position to assist you at this inquiry by debating those issues. I would have thought, with respect, those issues are not for debate.

PRESIDING OFFICER: The issues are open to be debated, no question.

MR MACSPORRAN SC: Well, if there are --

PRESIDING OFFICER: If the issues can be opened in another way then that doesn't make the first way inadmissible in any evidentiary sense.

MR MACSPORRAN SC: Well, in our submission it would be a much more efficient way to conduct the proceedings to make the assumption, as we all have here, in coming here, that there are officers --

PRESIDING OFFICER: But hasn't the context, haven't the words to be put to the particular witness? We might know in general terms, because we know what's to come, in a sense; but in terms of each particular witness, why can't it be put to them in that way?

MR MACSPORRAN SC: It would be different if the witness was a party to the conversation or had some other knowledge of it, but the putting of this material to these witnesses, who have no contact, as I understand, with any of this material, what can the legitimate forensic purpose possibly be, with respect? It's just an enormous waste of time when we are already, it seems -- I'm not being critical -- but we are in fact running behind time, a full witness, a couple of hours behind time. As I say, all these witnesses can say -- this gentleman has said, Detective Inspector Dowie has said, "I'm aware of the incident," not from the material on the

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tape, from independent knowledge gained from other sources. He can say that. He's said that. What is it going to achieve by playing this material to him, to have him say: "Oh, that's what I thought it was." What difference do the words make to his opinion about the inappropriateness of the behaviour? I'll be surprised if any of these witnesses, certainly my witness, I can tell you, will be saying that the material that I suspect is on these tapes reveals a concerning behaviour. Now, there's no debate about that. No one is going to say it's appropriate behaviour, so what is to be achieved by playing the material?

10 PRESIDING OFFICER: Well, how do you get it on the record?

MR MACSPORRAN SC: Well, you say there are a number of officers who are in evidence in these TIs and other covert surveillance methods, identified as discussing blue light taxis, free liquor in nightclubs, and all the other matters that are of concern that have been opened. No one is going to say we debate the extent of that. We accept it as -- you can take it as an assumed fact. I must confess, with respect, I thought that is the way this was going to be conducted. Because it is not a debate from my clients that this behaviour has been uncovered.

20 The real question is: Why did it occur and, more importantly perhaps, how can it be prevented from occurring again? Everyone is motivated to achieving that result and I don't know what is going to assist in that process by having these words played at this hearing.

If it is to be debated, we do, with respect, need some advance notice of it, otherwise we can't possibly assist you, hearing it for the first time in here and then to be expected to in some way debate it. All we can say is the assumed fact that it reveals bad behaviour. I don't know that that really helps you to advance this public hearing, with respect. That's our point.

30 PRESIDING OFFICER: All right, thank you. Yes, Mr Burns.

MR BURNS SC: Your Honour, I have got various submissions.

As we understood it -- and this comes out clearly from the opening -- the purpose of these hearings is remedial, primarily. Speaking for ourselves, we have approached the preparation for this hearing in that spirit, and hence the correspondence that was received from the Commission asking for the cooperation in terms of the provision of evidence, each of my three witnesses has provided, as  
40 you would know, Mr Chairman, witness statements, and I understand everyone else at the bar table is in the same position.

Moreover, we have all been assisted by the provision of a list of topics each witness should cover and so, consistently with that spirit of cooperation, we have all done our best to provide detailed statements at relatively short notice, I might add, covering all of those issues.

Now, there was ample opportunity to notify us about these additional matters. Frankly, we cannot see any valid reason for introducing an element of surprise into

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proceedings which are essentially, and in fact stated publicly, to have remedies for these problems as the focus, rather than detection. So, to answer your question, Mr Chairman, that you put to my learned friend, Mr MacSporran, if there are one of two different admissible ways of introducing the evidence, the way that is fairer to the witness should be, in my respectful submission, adopted. By putting a hypothetical scenario to that witness, it will cover whatever is in these transcripts, even the ones we have not seen. It is just a matter of formulation.

10 We cannot deal with what is in the transcripts on the run, and that is effectively the position we are being put in. In our submission, that should really not occur in the context of this particular hearing and the objects of this particular hearing. Those are my submissions.

MR CARMODY SC: Mr Chairman, may I be heard on this one point I have thought of, in terms of how to get it in safely? You could accept the transcript and then make a non-publication order in respect of the transcript, and that would solve all the problems, because the witness has already read it. Your non-publication order would override the TIA problem, and then you would have the evidence and we could examine on it. I am not saying you have to apply the rules of  
20 admissibility or anything, you can make up your own rules, as long as they are fair, and that's a way. That's all.

MR MACSPORRAN SC: Mr Chairman, in respect of that, as I understand this is a continuing hearing in the scheme of the hearings that have been conducted for Tesco. Most of them to date have been in private hearings. But the exhibits that are tendered here become exhibits in the hearing globally, so the evidence that you are looking at here is already evidence in the inquiry process. It is evidence upon which you can report. I question again the need to put it to these witnesses, who do not have any other knowledge of it. It does not prevent you performing your  
30 reporting function on the evidence before you in the global inquiry. It just means it has not been made public as such, and it can be dealt with in the way Mr Carmody suggest, you can receive it in that form, and make a non-publication order which is fair to everyone, including people who may be the subject of misconduct, if not criminal charges arising out of the evidence given there, and then you can report on it appropriately.

PRESIDING OFFICER: Thank you. Mr Allen?

40 MR ALLEN: Mr Chairman, this is an investigative hearing, it is not a trial. None of the witnesses are on trial, none of the witnesses are in jeopardy of any adverse finding, in my submission. There are no reasons for fairness toward any witness or indeed any party to take the approach that is being urged upon you. It is also a public hearing, for very good reason, and the public interest in a public hearing was dealt with in my submissions yesterday morning.

There is a legitimate forensic purpose in asking witnesses to comment upon what is in this particular example an unguarded conversation between two plain clothes officers touching upon the very matters of interest to this inquiry. We have already heard evidence from a number of witnesses as to what they believe the attitude and

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work performance of officers generally are under their command. If one is to examine that evidence, it will sometimes be necessary to put not hypothetical general situations but actual conversations evincing attitudes of officers before the witnesses.

10 In my submission, such an approach does advance a purpose of the hearing, and it does not do it in a way that is unfair to any of the witnesses. In circumstances where there have been steps taken to de-identify the material as to the participants in conversations, it does not produce any unwanted prejudice toward those individuals.

In my submission, it is quite legitimate for the Commission to proceed as proposed.

PRESIDING OFFICER: Thank you. Well, nothing in reply in the strict technical sense?

MR MACSPORRAN SC: No.

20 MR CARMODY SC: No.

PRESIDING OFFICER: This is a public inquiry, there are in my view no compelling reasons advanced to limit the way in which the inquiry is being conducted in the way that has been submitted by the representatives of the various parties who have made submissions in respect of the matter. I decline to make any of the orders sought.

30 MR CARMODY SC: Mr Chairman, may I also ask, presumably that exchange was just recorded -- the debate about the playing of the TI. I hope that wouldn't be published in any way. It's not really --

PRESIDING OFFICER: Well, it is recorded.

MR CARMODY SC: It is recorded. I'm saying I don't want it published.

PRESIDING OFFICER: It was said in public.

40 MR CARMODY SC: It was said in public. But it's not the sort of thing that needs to be reported. That is the problem with a public hearing, you have to be very careful. Otherwise things might be misinterpreted in the reporting. I don't want it to be recorded that I had an argument with you about whether something that was said by two private plain clothes police officers should be admitted.

PRESIDING OFFICER: We didn't have an argument. You made some submissions and I made a ruling. We did not have an argument.

MR CARMODY SC: Do you see my point, Mr Chairman?

PRESIDING OFFICER: No, to be frank, no.

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MR CARMODY SC: Well, hopefully, no one reports it.

PRESIDING OFFICER: Yes. I won't say that.

MR CARMODY SC: Might Mr Allen be declared as the winner?

PRESIDING OFFICER: Yes, Mr Allen.

10 MR ALLEN: Of course, nothing that has been said changes your Honour's direction to the media that they are not actually to record any of the audio that is played.

PRESIDING OFFICER: No.

MR ALLEN: I was going to ask you to listen to a conversation between two police officers that occurs on 12 November 2009. Hopefully that is now possible.

TI PLAYED

20 MR ALLEN: Firstly, you said that you -- before lunch, you had knowledge of that matter?

THE WITNESS: Oh, I've got knowledge of an officer that threw up in the car on one occasion. I hope it's the only one.

MR ALLEN: Okay. Did you have knowledge at the time that that had happened?

THE WITNESS: No.

30 MR ALLEN: When did you become aware of it?

THE WITNESS: I've heard scuttlebutt about it in the last three months I suppose.

MR ALLEN: Have you heard officers discussing their evidence in closed investigative hearings?

40 THE WITNESS: No, no. I can't -- I really honestly can't remember where I heard it. All I heard was that someone had thrown up in the car and they had come in the next day and taken it and had it cleaned.

MR ALLEN: You didn't hear about it at the time?

THE WITNESS: No.

MR ALLEN: Did you hear about it as a result of the CMC's investigation?

THE WITNESS: Well, as I said, there's scuttlebutt around, and this came up.

MR ALLEN: You understand that the evidence gathered suggested that there had

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been, as I said, two police cars used to transport people from Burleigh Heads up the Gold Coast as far as Surfers Paradise, dropping people off along the way?

THE WITNESS: On this occasion --

MR ALLEN: Yes.

THE WITNESS: -- that you've told about, yes.

10 MR ALLEN: All right. That was done, of course, by police officers who were on duty, sober, driving those vehicles?

THE WITNESS: You've told me that. I don't know that.

MR ALLEN: Okay. Well, assume that to be the case. Then arrangements were made for some of those -- some off-duty police officers to later on be collected at Surfers Paradise -- this is by one police vehicle -- and driven back and dropped at their homes? Can you assume that?

20 THE WITNESS: You're telling me that that's what occurred, so I'll take it for granted that that's right.

MR ALLEN: All right. What systems are in place to monitor whether police officers in the Southern Investigative Group who were supposed to be carrying out police duties during their shift aren't spending a significant portion of their shift providing a taxi service to off-duty police officers?

30 THE WITNESS: Well, I've listed numerous paragraphs in regards to the supervision and how we attempt to manage our staff after hours, in my statement. I can go through that if you like. But, in reality, obviously all the systems that have been put in place are underwritten by officers who know what is expected of them, know what we expect, and it's underwritten by the fact that they would actually do what is expected of them. Now, obviously in this instance, by the sound of it, they definitely haven't done that.

MR ALLEN: And it's not being suggested you should have been aware what those particular officers were doing with those particular police vehicles on that shift. Indeed, you're not the direct line supervisor of plain clothes constables, are you?

40 THE WITNESS: No.

MR ALLEN: Who is?

THE WITNESS: Well, their sergeants and their team leaders, through to the senior sergeants, through to me.

MR ALLEN: Okay. So, if we just follow that chain of command, is a team leader generally a sergeant?

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THE WITNESS: That's right.

MR ALLEN: Okay. And they answer to the senior sergeant?

THE WITNESS: That's right.

MR ALLEN: Who then answers to yourself?

THE WITNESS: That's right.

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MR ALLEN: All right. Well, what sort of things should the team leader or sergeant be doing so as to be aware of where the officers in police vehicles are during their shift?

THE WITNESS: Well, they should be -- if they are rostered on, obviously, they should be aware of what their staff are doing and aware of whether they are supposed to be responding to a particular crime or whether they are supposed to be performing their duties, as in patrolling proactively or going out and managing -- managing their case files?

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MR ALLEN: In relation to this instance, would it be the case that the supervisor of the officers who provided these trips, did the driving, has either authorised those journeys or is unaware that they are happening?

THE WITNESS: Sorry, I don't -- did you say the supervisor was driving?

MR ALLEN: No.

THE WITNESS: Sorry.

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MR ALLEN: The supervisor of the officers who were driving? The officers who were driving the vehicles on these particular trips answer to somebody, don't they?

THE WITNESS: They do.

MR ALLEN: Whether it be a sergeant?

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THE WITNESS: If there is a supervisor actually working with the senior constables. I mean, that doesn't happen every shift, we simply don't have the staff to roster a sergeant to every afternoon shift.

MR ALLEN: So who supervises them then?

THE WITNESS: Well, normally there's at least a detective senior constable working, so he would be the senior officer on shift, he or she. They are then overviewed by RDOs and DDOs in our communications room. Obviously, in this instance, I would suggest that the officers have taken it upon themselves to, you know, do a transport that shouldn't have happened.

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MR ALLEN: Well, one of the steps that you said before lunch -- or one of the means by which you would be able to track what an officer is doing is by way of the occurrence sheet or diary?

THE WITNESS: That's right.

MR ALLEN: There's been evidence obtained during the course of the investigation that certainly journeys such as this are never entered into the record keeping systems as a "transporting off-duty officer" or "blue light taxi ride", and you've  
10 agreed that that's the case, you don't see entries like that in occurrence sheets?

THE WITNESS: No, you don't, no.

MR ALLEN: That someone has given someone a blue light taxi ride?

THE WITNESS: No, there's been a recent policy put out by the Commissioner of Police that does now require the authorisation of such a transport and the recording of that authorisation.

20 MR ALLEN: Are you aware of instances where blue light taxi rides are recorded in occurrence sheets as being -- or are camouflaged by being recorded as some type of legitimate police activities, such as patrols to particular areas or dispatch?

THE WITNESS: No.

MR ALLEN: What is it in the system which would enable a supervisor, looking at an occurrence sheet where it's recorded "Patrols," of ascertaining that in fact that vehicle was being used to transport off-duty officers to nightclubs?

30 THE WITNESS: Well, he wouldn't be able to. It comes down to you have to have faith in your staff. You wouldn't be able to do that.

MR ALLEN: Towards the end of the conversation we listened to, one of the participants says that he's going to work at 2.00.

THE WITNESS: Yes.

MR ALLEN: The other officer seems to be already at work?

40 THE WITNESS: Yes.

MR ALLEN: And there's a comment by the first officer, "We're doing fucking nothing." Does that display, in your opinion, a poor attitude to his work duties?

THE WITNESS: Yes.

MR ALLEN: Could you listen to the following short extract of a conversation between two plain clothes officers from the Southern Investigative Group, and can I suggest that the conversation occurs on 7 November 2009, between one plain

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clothes officers who is off duty at home and who phones the other plain clothes officer, who is on duty, working a 2.00 pm to 10.00 pm shift.

For the record, it is CSN 1646. And the previous audio --

TI PLAYED

10 MR ALLEN: Evidence obtained suggests that the police officer we last heard, when asked if anything on, says, "I'm just going to do some drink fridge shopping and then go and pick up a friend at the airport," was in fact performing a 2.00 pm to 10 pm shift at that time.

THE WITNESS: Yes. Well, I don't even know what day of the week it was. I don't have a roster with me, I'm afraid.

MR ALLEN: Well, accept that.

THE WITNESS: Yes, I accept.

20 MR ALLEN: There's evidence that establishes that that officer has commenced work at 2.00 pm and he's having a conversation at about 2.30 pm, indicating that his plans are to do some drink fridge shopping and then go and pick up a friend at the airport?

THE WITNESS: That's the conversation, yes.

MR ALLEN: Well, it's hardly consistent with someone who is carrying out his duties as briefed to him at 2.00 pm, is it?

30 THE WITNESS: Well, I don't know who he's going to pick up from the airport. It could be another police officer who is coming down for court.

MR ALLEN: Or it could be someone who is actually suspected as being involved in serious unlawful drug activity?

THE WITNESS: It could be.

MR ALLEN: You don't know?

40 THE WITNESS: No.

MR ALLEN: The evidence will tell us that. But it hardly demonstrates someone who is particularly severely tasked with work activities for that shift, I would suggest?

THE WITNESS: As I said to you before, they have to manage their own time. Now, he may have been tasked -- and this is hypothetical, I don't know what this conversation is about -- he may have been tasked to go to the airport to pick up a friend of his, who may have been an officer, who worked at SIG, to bring them

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back for a court case. I don't know what the whole circumstances are. You're pulling a sentence out of a telephone conversation between two young PC constables. I know what he's referring to about the drink thing, that's the dollar can of soft drink scenario for the social club. The part about who is friend is at the airport, unless you tell me who he went to pick up, I really can't tell you whether it's appropriate or not.

MR ALLEN: You're saying that he's going off to buy a fridge for the police social club, is he?

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THE WITNESS: No, some soft drinks to stock the social club fridge for soft drinks.

MR ALLEN: I see. Is that a regularly delegated task to police officers during their shift?

THE WITNESS: Well, he might be asked, during his shift, that "We're running out of soft drinks in the fridge for the officers who are working, can you go and get some social club money and go and fill the soft drink fridge up?"

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MR ALLEN: I see. So the fridge shopping was not for a fridge itself, it's to stock up the CIB fridge, is it?

THE WITNESS: Some drink fridge shopping, which the drink fridge is the fridge in the meal room where they buy \$1 soft drinks, and we do that at the Coles shopping centre across the road from the Burleigh Heads police station.

MR ALLEN: Okay. So what he's got lined up for his duties is, to use his words, fuck all, except he's going to go and stock up the CIB drink fridge with soft drink and he's going to go pick up a friend at the airport?

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THE WITNESS: That's what he says.

MR ALLEN: Okay. And if the evidence is that he went and picked up a girlfriend at the airport who wasn't a police officer, you wouldn't regard that as an appropriate use of his time, would you?

THE WITNESS: No, I would not.

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MR ALLEN: Would you listen to this short extract, which is CSN 2265.

MR CARMODY SC: I'm sorry, Mr Chair, but could we have a clarification? Is that period of speculation we had about who the friend might have been or might not have been, am I now to understand that there was no suspected drug person picked up at the airport, but it was a girlfriend? Is that the evidence?

MR ALLEN: Yes, that is so.

MR CARMODY SC: Why would we be going down, to make a suggestion that it

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might be a suspected drug runner? Where does that come from?

MR ALLEN: The fact that the witness volunteered that it may well be a police officer on duty; the fact of the matter is that he wouldn't know, from one extreme to the other.

MR CARMODY SC: That is my very point. If you are going to put the specific language in, be stuck with it, and use it. Don't use some other speculation that now puts before the media the possibility that the person being picked up was actually a  
10 drug runner.

MR ALLEN: It was made quite clear in a following question that it was a girlfriend, so that has been clarified.

PRESIDING OFFICER: Yes.

MR ALLEN: This sequence is 2265.

20 TI PLAYED

MR ALLEN: What we listened to there is a conversation between an on-duty police officer, plain clothes, Southern Investigative Group, I ask you to accept, and an off-duty police officer from the same group, with the off-duty police officer talking about his plans to do some home improvements and the on-duty police officer indicating that he will try to get over to help in work time, so that he's getting paid for it.

30 Now, is it possible to put systems in place so that you, senior sergeants and sergeants actually know what their staff are doing in the course of a shift? Or is it the case that you say, well, look, ultimately one just has to rely upon the trust placed in that officer?

THE WITNESS: Well, that's one aspect of it. I mean, to be able to determine -- have the supervisor rostered with them every shift would be another way of doing it. But a lot of the time, the CIB, they are selected into the CIB because of their ability to work, their work ethic. Obviously this chap's got some issues in regards to that. But he's no longer attached to my office anyway, so that problem has been dealt with.

40 MR ALLEN: How long was he attached to the Southern Investigative Group? We won't name him but you obviously have an understanding as to who it is?

THE WITNESS: Oh, I know who it is. I don't know. I arrived there in May and he was a member of the office then. May, gone.

MR ALLEN: Do you understand that the person we're talking about had spent 12 years as a constable without being eligible for progression to senior constable?

THE WITNESS: Again, until I had a personal meeting with him and discussed his

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aptitude to his work and his training and he, I understand it, then went away and done his training and was ready to be promoted up to the rank of senior constable.

MR ALLEN: When did you have the talk with him?

THE WITNESS: Oh, I would have to go back through my diaries. I think it was earlier in the year. May even have been late last year.

MR ALLEN: Uh-huh.

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THE WITNESS: Probably actually it would have been late last year because at the same time I spoke to him about his not applying for his detective's application and he did apply for that detective's application. Obviously it was subject to this inquiry and failed vetting.

MR ALLEN: That was the next question: is it the case that he had been six years in plain clothes and had still not achieved a detective's appointment?

THE WITNESS: That's right, was, yeah.

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MR ALLEN: And you addressed those matters with him late last year?

THE WITNESS: Yeah, I can't remember the exact day. It was late last year because I directed him to have his application in by the last sitting detective's board which I think was in November or December.

MR ALLEN: Can you explain why those matters hadn't been addressed with him earlier, given the length of time that he'd spent as a constable and the length of time that he'd spent in plain clothes without progressing to detective?

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THE WITNESS: I can only explain it since I have been there, and that is that once I became aware of the situation, I addressed it.

MR ALLEN: How long did it take you to become aware of it?

THE WITNESS: As I said, he had to apply for the November board, so probably about August/September I may have had that conversation with him. Again, I am guessing. It actually came about when I identified a different officer who had worse problems than him and then I done an audit of my staff and I identified this fellow.

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MR ALLEN: All right. But there has been a lengthy period of time during which you hadn't been in the chair and it doesn't seem to have been identified.

THE WITNESS: Sorry, what's that?

MR ALLEN: Well, it shouldn't have taken 12 years before someone started getting concerned about that and speaking to the officer, that he had been a constable for 12 years and hadn't taken steps to qualify for promotion.

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THE WITNESS: I am not going to comment on what could have been occurring in that fellow's time prior to my arrival. All I can say is I identified it, I spoke down and spoke to him and I identified that he had an aptitude problem in regards to not submitting his application, not pursuing his career, and his promotions and I addressed that.

10 MR ALLEN: Are there any difficulties in addressing performance in that situation, or is it enough that you can give the ultimatum to the officer to either make the application or go back to general duties?

THE WITNESS: Oh, no, we have fairness -- there is numerous processes within the policy of the service. You have to be fair, you have to take into account all circumstances, not just, you know, work performance or whatever. I mean, the person might have personal issues, they may have illnesses. So the service does have diminished work performance policy. We assess people, you know, on a monthly basis. Obviously somehow or other, or for some reason, there is an issue that's arisen with this person over a period of time. As I said, when I evaluated his position, I made it clear to him that he needed to do those things and be successful or I would apply through the district officer to the Assistant Commissioner to have him moved back to generals.

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MR ALLEN: And you feel that that would have occurred if there hadn't been a satisfactory response from him at that point?

THE WITNESS: Definitely. It did occur.

MR ALLEN: You don't perceive that there is any difficulties in you exercising management action with respect to subordinates and having that supported?

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THE WITNESS: Definitely not.

MR ALLEN: You referred to the fact that requirements to complete occurrence sheets and diaries enhance supervision. Would the same be said with respect to official police notebooks?

THE WITNESS: Well, they are to use their notebooks in their investigative processes, yeah.

40 MR ALLEN: They are not meant to provide some record as to what a person does during the course of a shift?

THE WITNESS: No.

MR ALLEN: I see. Are you aware of any deficiencies in the process of auditing notebooks, diaries or occurrence sheets?

THE WITNESS: Look, yeah, there are times when people slip by or slip past and they don't have their diaries inspected. That's definitely been revealed in the last

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six months of this investigation when we were under scrutiny from the audit and review team, and very regrettable. All I can say to that is the vast majority of our staff do comply with that policy. And on occasions people get behind.

MR ALLEN: Well, it seems to be a longstanding problem with respect to policing on the Gold Coast, I suggest.

THE WITNESS: I wouldn't qualify it by saying police on the Gold Coast. I have been in the branch for 22 years.

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MR ALLEN: So you wouldn't limit it to the Gold Coast?

THE WITNESS: No. Diary -- maintaining diaries is a problem, has been a problem for the time that I have been in the CIB where people get behind in their diaries.

MR ALLEN: Right.

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THE WITNESS: It is just they are too busy -- you have got to understand that people have to record on occurrence sheets, they do reporting, they do Court briefs, they do other compliance issues and then they maintain a diary in a shift.

MR ALLEN: Can that be streamlined somehow so that it is effective but less time consuming?

THE WITNESS: I -- I believe we are examining, as in we, the service, are examining ways that things could be more streamlined to assist the officers. I haven't personally had participation in that. I think, you know, with the electronic age it is probably the way forward.

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MR ALLEN: See, it is a matter which has been examined, and particularly with respect to the Gold Coast previously. Operation Abacus, a CMC operation which reported in November 2005, found, for example, that in relation to a Northern Investigative Group plain clothes officer that 89 per cent of entries recording arrests were false. Now, is that something which has subsequently been addressed by procedures as far as you're aware? For example, the process that was undertaken in that case by the CMC of cross referencing arrests recorded in the notebook with actual records regarding those arrests was undertaken.

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THE WITNESS: Can I just clarify what you are telling me here, that someone has written in their diary 89 arrests, claiming those arrests that weren't their arrests? Is that what you are saying?

MR ALLEN: No, they have written 51 cases which amounted to 89 per cent of their total arrests. They proved to be false.

THE WITNESS: False arrests written in their diary?

MR ALLEN: Yes. Well, they didn't make the arrest, the persons were arrested.

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THE WITNESS: Oh.

MR ALLEN: They falsely claimed them.

THE WITNESS: Well, I honestly don't understand the full circumstances of that but they are entitled to claim an assist arrest because you may work an entire shift with a partner to make one arrest and spend your whole shift doing that, although you don't -- just because you don't sign the charge book, doesn't mean that you weren't investigating that offence. So I would have to, you know, look at the whole  
10 circumstances around that before I made any more comment on that, I think.

MR ALLEN: All right. Can I suggest that at that time that occurrence sheets revealed a number of entries where officers indicated they were attending to completing their official diaries for up to three months at a time. So they do three months' worth of diary entries during the course of, say, one shift.

THE WITNESS: Well, all I can say is the policy and my expectations are that they do them in a timely manner. They may get a shift or two behind, they may not do it  
20 on a shift and go away, have four days off and then come back and then write their diary up. I wouldn't say that doing a diary in a block of three months is acceptable and under our policy they should have been inspected every month anyway.

MR ALLEN: The accuracy and reliability of the diary entries would be dubious if they were done in that manner, wouldn't they?

THE WITNESS: Yes, but in saying that a diary entry is not contemporaneous notes, either.

MR ALLEN: But their worth by way of a supervisory tool would be minimal, if  
30 any, if that was the process being undertaken.

THE WITNESS: Yes, I would have concerns about people not writing in their diary in a timely manner.

MR ALLEN: In 2007, another CMC investigation, Operation Calypso, indicated that a diary of a sergeant would have large numbers of pages left blank with gaps.

THE WITNESS: Well, again, that's against policy.  
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MR ALLEN: Now, you are aware that deficiencies with record keeping were revealed in the course of Operation Tesco?

THE WITNESS: No.

MR ALLEN: No? All right. There was evidence obtained, for example, that one of the officers under your command had not completed his official diary for up to six months at a time.

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THE WITNESS: Under Tesco?

MR ALLEN: Yeah, the constable.

THE WITNESS: I am not aware of that.

MR ALLEN: You are not aware of that?

THE WITNESS: No.

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MR ALLEN: How could that happen, if you assume it to be the case, that there could be periods of six months where he is not making any diary entries at all and that's not picked up by any supervisor.

THE WITNESS: Well, obviously the supervisor's not doing his inspections every month and, you know, there may be work-related reasons behind that. There may be a number of reasons behind it but at the end of the day to go six months is not acceptable and that's an issue that we will have to address if that's the case.

20 MR ALLEN: It should be done monthly, should it?

THE WITNESS: Yes, inspections, yeah.

MR ALLEN: That is the policy?

THE WITNESS: Yes.

MR ALLEN: Another officer claimed that he lost his diary an indefinite but long time previously add hadn't used one since.

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THE WITNESS: Well --

MR ALLEN: That's unacceptable isn't it?

THE WITNESS: Policy is he has to report the loss of the diary and be issued with a new one.

MR ALLEN: Attempts were then made by the CMC to check station records to see whether he had ever been issued with a diary and the problem there was that some diaries had been issued without recording who the officer was to whom they had been issued.

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THE WITNESS: Is this during Tesco or back in 2007?

MR ALLEN: Yes, this is during Tesco.

THE WITNESS: Tesco.

MR ALLEN: Now, is that in breach of policy, that there would be a diary issued

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without a record of the officer to whom it was issued?

THE WITNESS: No, there is a diary register and a notebook register and they should be completed whenever an officer takes possession of a new diary or a new notebook.

MR ALLEN: Just to clarify that matter I put to you regarding the recording of arrests in official police diary examined in Operation Abacus, in fact investigations showed there had been no assists in those arrests, those 51 cases or 89 per cent of arrests by the officer. Just no involvement at all.

THE WITNESS: Well, in my opinion the person who is claiming everyone else's work is a malingerer and shouldn't be in the CIB.

MR ALLEN: But how do you catch that conduct if it is happening?

THE WITNESS: Well, one would hope the supervisor inspecting the diary would pick that up.

MR ALLEN: But it really indicates, I suggest to you, that you can't rely upon these diaries or occurrence sheets, or other police records as effective method of supervision.

THE WITNESS: I disagree with that in that you can rely upon it when you have hard-working, ethical people who work day in day out and do do the right thing. Then you have the one or two, maybe three examples that you have raised with me today out of 100 detectives on the Gold Coast who are prone to unethical behaviour and that's obvious from these disgusting phone calls that have just been played to me -- that the system is working for everyone else, there is just a couple of people that the system is not working for and those people are normally the people who will duck and weave around supervisors knowing full well that their supervisors are 100 per cent under the pump and don't have time to go and chase them. And that's an issue that we are aware of. I have addressed that in my statement and it's an issue that we try to, as best we possibly can, keep on top of in the midst of doing everything that we do. I mean, we've solved at SIG, for example, in the last 15 months eight homicides. We have conducted a six-month investigation for the Coroner in relation to the Saxon Bird, the tragic death at the surf lifesaving. They are just the reportable deaths. Now, my supervisors and my sergeants have to go out on the front line and lead their people out in the bush. They don't sit at home -- they don't sit back at the office at a desk and say, "Oh, where is your diary? Oh, it is five past eight, the end of the month, where is your diary?" There has to be a reliance on the officer to do the right thing at the end of the day. As I said, you have raised three examples to me, a couple of them are going back to 2007 when I was happily in Cairns driving around Cape York -- you know, I have had -- from what I understand, one officer identified out of all of my staff, maybe two officers identified out of 100 detectives on the Gold Coast who are not doing the right thing. The systems do work for the majority of people who are doing the right thing. Sorry, I have had a bit of a spray there but I really do feel very strongly.

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PRESIDING OFFICER: Oh, no, you are entitled to.

THE WITNESS: And I did bring this to produce. That is a matrix for the life of Operation Tesco of the major crime that had been done by my staff. They have solved ATM explosions, rapes. As I said, eight homicides, been assisting the Coroner. Now, these are my supervisors that are out leading these successful prosecutions. You don't convict the Lacey brothers one after the other after the other by having slack people who are not compliant. These results are done by very, hard working dedicated professional people.

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MR ALLEN: And they deserve to know that police officers working with them, earning the same money, being entrusted with the same responsibilities are pulling their weight as well, don't they?

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THE WITNESS: They definitely do and I addressed them on exactly that same topic on 18 June last year after we finished -- sir, you need to understand my first shift at SIG, two hours into that shift we had a double murder that turned into a triple murders when the offenders murdered one of their co-accused, that spread across three states. Now, I basically worked on that for six weeks. And that was my induction to SIG. Now, I am not saying that -- you know, that just happens, but you need to look at the impact that that type of thing takes away from a supervisor's ability to be able to sit down and inspect diaries. Now, it wasn't until 18 June that I actually got to have a staff meeting with my staff and I started there on 5 May. Because we were all doing not only that murder. We had ATMs blowing up all over the place, we had armed robberies and violent armed robberies with people with handguns, we had people attacking business premises stealing up to \$500,000 worth of equipment at a time. Now, in that time -- and these are -- they are all nominated here -- we successfully ran operations and solved them. Now, I understand that some people -- you know, and I have said you have nominated one or two people who have let me down and let their staff down and on 18 June I specifically said to them, "Your individual actions will impact on how the rest of us are looked upon by the public and will impact on the performance of this office generally." And I harped on that.

PRESIDING OFFICER: Can I have a look at that. Continue while I am, Mr Allen.

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MR ALLEN: Yes, thank you. We're looking at what can be done, though, to avoid a situation where you don't become aware of the inappropriate behaviour of one of your police until there is a covert CMC investigation. Now, what can be done, and given your knowledge of that particular officer, to address those matters before they become a major problem and address them within the QPS without the need for an investigation from outside?

THE WITNESS: I don't mean to sound argumentative but I disagree with the fact that he never came to my knowledge until there was a CMC investigation. I didn't know about any suggestion that he might be involved or associating with, you know, people who may be using, or whatever, drugs, and I read that in your opening address yesterday. That's the first time I have been made aware of that. But as far as his poor performance, as far as his not applying for his detective's

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appointment, and as far as him not showing the aptitude to get himself promoted and better himself, I identified that well and truly before I was brought here today. I identified problems with him well and truly before I read the Grinspoon report on last Friday when it was released to me. So in that sense, I believe that my supervision of him identified these things well and truly before you brought it to my attention and that fellow is not in my office any more because I reported him to my Assistant Commissioner and he is now out.

10 MR ALLEN: That was because despite the investigation, publicity and attention to him as a result of this operation, he rung up some other police insisting on a blue light taxi, was it?

THE WITNESS: No, that was because I specifically told him not to do that. My staff had the courage to ring me and tell me that he did do that and I was on holidays standing at Isis near Longreach when they did ring me and tell me that and I immediately rang my Assistant Commissioner and said, "Sir, this is what's happened. He has gone against a specific direction that I have given him. He needs to get out of my office because he is again bringing unwanted attention to the hard-working staff." Now, that was investigated within a day, as I understand it,  
20 and that was after it was approved by you people, and then he was moved.

MR ALLEN: When did you become aware that he was getting on-duty police to give him lifts whilst he was off duty to and from his home and licensed establishments on a weekly basis?

THE WITNESS: Well, I wasn't aware of the full extent of it. What had happened was I became aware that he was being picked up from his house and driven to the pub. And I just said to him, "That is absolutely a ridiculous situation. It is not to happen. It doesn't have any resemblance to what may be considered as a welfare  
30 transport or anything like that. It is not on and it is not to happen."

MR ALLEN: But when did you become aware of it?

THE WITNESS: When I gave him that direction. So that would be around probably the same -- I don't know -- oh, no, it was after that. When did I leave in April -- probably around January or so this year.

MR ALLEN: January this year?

40 THE WITNESS: When it was touted that you people were looking very closely at blue light cabs.

MR ALLEN: Right, okay. But in the meantime before there is any CMC involvement or suggestion that the CMC are interested in it, he has been doing it for years.

THE WITNESS: Yeah, well, he may well have been and you may have evidence of that, but I don't.

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MR ALLEN: You had no knowledge that he was undertaking private activities during his work shifts such as picking up a girlfriend from the airport?

THE WITNESS: No. He would have been out of my office well and truly before the other incident.

MR ALLEN: So, again, I come back to a matter that we're -- I am sure all the parties are keenly interested in. How do you improve systems of accountability for an officer such as him, or an officer at his level so that those matters of which you are unaware come to the knowledge of supervisors without the need for CMC intervention?

THE WITNESS: Well, the problem with this, again -- and every time we bring in a policy to try to manage someone who is prone -- and, again, I revert back to -- I think we're talking about one or two detectives here -- that impacts on the vast majority of the people. It is another, another compliance issue, that the vast majority of people have to contend with in their rostered shift. My staff spend half their rostered shift on compliance already. Now, are we going to write another whole policy because one bloke that was doing the wrong thing, that one bloke who we have identified who is now no part -- no longer part of that CIB was doing the wrong thing, are we going to bog down my hard working detectives again with another layer of policy and compliance, and I really believe the more we do that, something has got to give. And, you know, again this is where they don't get their diaries done because they sit there for hours and hours typing. So are we going to affect a whole vast range of the police by bringing in another policy because one bloke -- and it is obvious by his attitude by these phone calls -- wasn't doing the right thing. He is gone.

MR ALLEN: Have you heard discussion of a values based approach to compliance?

THE WITNESS: Yes, I have.

MR ALLEN: As compared to a rules based approach?

THE WITNESS: Yes, I have.

MR ALLEN: Are you saying there is some merit in perhaps trying to inculcate a values-based approach?

THE WITNESS: I believe my people -- and his Honour there is holding a perfect example of, again, 99 per cent of my staff, their values are work, work, work, in their own time, do whatever needs to be done, work within budgets. Their values are definitely about doing their job properly, being professional and doing what they can to make the community safer. Now, obviously, sadly, we had one who didn't share the same values as the rest of them. Again, you know, that's a sad thing and it is quite upsetting to hear those types of conversations when you know what the other people are doing.

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PRESIDING OFFICER: So tell me this chart that you have prepared, what numbers of your staff are involved in those -- what total numbers are we looking at?

THE WITNESS: I have 30 operational police on the ground -- I actually supervise four detectives that are permanently assigned to the casino crime squad. So they're -- although on my staffing allocation --

PRESIDING OFFICER: They are not part of the troops on the ground?

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THE WITNESS: No. I can, if there is a real urgency, grab them to go and do a statement or grab a crime scene. So in reality what you have there is 30 on the books plain clothes staff, ranging from detective sergeant down. That's not counting myself or the two senior sergeants.

PRESIDING OFFICER: Okay.

THE WITNESS: Now, you wouldn't call the detective senior sergeant an operational police officer but in saying that, I am an operational police officer.

20

PRESIDING OFFICER: Yeah.

THE WITNESS: I am not an inspector sitting there inspecting, I am out on the road doing investigation. Now, in saying that, with people on leave, I have police women in my staffing model who are on part-time because they have started a family. We have people who are on extended sick leave for personal reasons. So myself and my colleague up at NIG can at times work 11 staff down. So in reality you have got 20 staff achieving all of those results over that period of time.

30 PRESIDING OFFICER: Well, would you like this to be part of the formal record of the --

THE WITNESS: I would.

PRESIDING OFFICER: -- proceeding?

THE WITNESS: Yes, please. I mean, I think that paints a very good picture. Now, I would like to add, though, while I am at that, is we do have excellent support from State Crime Operations Command with regards to our homicides and even drug offences.

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MR ALLEN: That was actually tendered as part of the exhibit that also comprised the statement of the witness.

PRESIDING OFFICER: Which is exhibit?

MR ALLEN: 120.

PRESIDING OFFICER: So it is already -- in already.

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THE WITNESS: Yes. That's my show and tell.

PRESIDING OFFICER: Good. Well, you better have it back.

THE WITNESS: Thank you.

MR ALLEN: Detective Inspector, you mentioned -- and I don't need to take you to  
10 the detail of the paragraphs -- at paragraphs 20 to 24 of your statement, the use of  
satellite teams.

THE WITNESS: Yes.

MR ALLEN: By way of a trial.

THE WITNESS: Yes.

MR ALLEN: And you have spoken about the advantages to operational activities  
20 that can be achieved --

THE WITNESS: Yes.

MR ALLEN: -- through such.

THE WITNESS: Yes.

MR ALLEN: Is there any down side to that with respect to any changes to  
effectiveness of supervision, or, in fact are there advantages?

30 THE WITNESS: No, look, I -- my senior sergeants have definitely raised with me  
that there are concerns about having teams out from under the umbrella of myself  
and the two senior sergeants. In saying that, obviously as a manager I would be  
assessing who would be the team leader at those satellite teams. I have got seven  
very competent and, I believe, trustworthy sergeants in team leaders. Now, the  
thing with putting detectives in with uniformed staff is -- and we only joked about  
this the other day -- was they -- the uniform staff would very quickly tell me if my  
blokes go for a coffee, let alone go to a nightclub. So in that regard, I believe that  
satellite teams are the way forward because they do integrate with their uniformed  
40 colleagues and our uniformed colleagues are the ones that know what's going on on  
the ground because they are there every day, and it is also a really good mechanism  
for us to get young people who are identifying they want to come into the CIB to  
come and have a go and go relieving, you are more -- an officer-in-charge is more  
willing to give you a reliever when he knows he is still going to be working in his  
area. So I believe that satellite teams from my perspective at Broadbeach and at  
Coolangatta are essential in the effective management of the CIB in the future.  
Now, the problem with that and overriding with that is to allow them to do what  
they are doing, from my perspective, we need to be able to back fill them at  
Burleigh to enable the Burleigh team to focus on response jobs which are your  
murders and everything else that take up your time. And that would allow the

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satellite teams to do their files.

MR ALLEN: So how would you back fill in that means? How many -- and what rank would you need?

THE WITNESS: For example, again, there is a lot of issues here and I have gone into this in great detail in the CIB review that was conducted but accommodation issues, how many staff we can actually put at Broadbeach. The room we have available to us you can really only effectively put six officers in there, so that  
10 would be a sergeant and a senior constable and the rest would probably be plain clothes constables. Again, you do hit -- when you have only got a small team like that, there are times when it is inevitable that the sergeant and the senior constable may not be rostered and you are leaving plain clothes senior constables to do files themselves. So that does create an issue. In saying that, there is normally a senior detective working in one of the other offices who they link up with and do jobs with. So, as I said, then you have got the duty sergeant who is sitting downstairs watching them go for coffee. You have got DDOs, you have got the RDOs, you have got the COMCO, so it comes back to the majority of them I could trust to go  
20 and work in those teams and do their job as long as we try and as best we possibly can identify those prone to not having the same ethics as the rest of us.

MR ALLEN: Team leaders, you referred to a couple of points in your statement. Are they always at senior sergeant rank or can they --

THE WITNESS: No, they are sergeants.

MR ALLEN: Sergeants?

THE WITNESS: Yep.  
30

MR ALLEN: All right.

THE WITNESS: Team leader is a -- it is a -- it is gazetted as a senior investigator.

MR ALLEN: Is there continuity in that position, so that the same team leader is generally supervising the same junior staff?

THE WITNESS: No, no, no. We don't have the luxury to be able to be able to roster a team leader on with his team. So the team leader, in terms of supervision  
40 over a core group of people, in reality they are plain clothes development leader, they want to do their monthly work performance, they provide comment on their performance and their arrests and things like that for the month and they are their PPA supervisor, their performance planning appraisal supervisor. Now, they don't necessarily get rostered on with their same team all the time because their team might be on leave, they might be on rest days, they might be at Court. There is a range of things. So they are rostered on as a team leader supervisor for a shift but they may be managing all the other team leader staff for that day, type of thing. We don't have the luxury to block roster teams.

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MR ALLEN: Is the plain clothes development leader at the rank of sergeant?

THE WITNESS: Plain clothes development is actually a system that goes all the way to the detective superintendent where we have a program in place on the Gold Coast. So they're assessed all the way to that level. We have a panel that sit -- the three detective inspectors for the region, plus the crime services inspector from Coomera, and the regional superintendent sit on a panel bi-annually and we assess the progress of our plain clothes constables towards achieving their detective's applications. We look at where they need improvement, we look at even if they are focusing, say, too much on minor drug offences and where they should be focusing on their files and things like that. We give them feedback.

MR ALLEN: But you mentioned plain clothes development leader as a -- as I understood a person who acts as a supervisor to some extent of the plain clothes officers. Did I get that wrong?

THE WITNESS: That's their team leader. So, basically each month they have to provide a work performance sheet and it is up to that team leader then to sit down and read what they are claiming and make comment on their work performance. Now, I have outlined in my statement a raft of things that will affect and a raft of things that we have to take into account with performance. For example, arrests are one thing but if we have a major incident room which by this we regularly do, you'll have a plain clothes constable in there for possibly a month, six weeks, and he won't get one arrest in that entire time but he is exposed to covert strategies like TIs we have discussed here, all of the compliance that's related to that. So it is all a learning curve. And not just assessed on how many people they pinch, how many search warrants they do or CIRs they put in. They are assessed on a vast and wide ranging lot of outcomes.

MR ALLEN: And who is the PPA supervisor you mentioned earlier?

THE WITNESS: The team leader.

MR ALLEN: The team leader.

THE WITNESS: And that's overviewed by the detective senior sergeant and the officer can actually ask for a review on that and then I will look at it if he doesn't believe that he has been fairly assessed.

MR ALLEN: You have mentioned the role of district duty officers and regional duty officers.

THE WITNESS: Yes.

MR ALLEN: Are they uniform or plain clothes?

THE WITNESS: They are our uniform district duty officers. They are senior sergeants and they basically attend and assist with incidents as they occur but they also have a function to patrol the stations and drop in here and there. They have

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access to the officers and keep an eye on what's happening in the district. And then above them again you have an inspector who is roving across the entire region and keeping an eye on activities in the entire region.

MR ALLEN: Is that the regional duty officer?

THE WITNESS: That's right. That's an inspector. And the DDO or the district duty officer is a senior sergeant.

10 MR ALLEN: Do they have any authority, that is the district duty officer, to supervise plain clothes officers?

THE WITNESS: Yes, they do.

MR ALLEN: And --

THE WITNESS: They can direct them to a job, they can call them on if they believe they are not acting appropriately and we have a very good understanding with them that if they find or can't find, more to the point, a CIB on duty -- and this goes for the COMCOs, I have given emailed directions to all the COMCO that if at  
20 any point in time during a shift they can't find my staff they are to ring the operational senior sergeant immediately.

MR ALLEN: So as far as you're aware, they can effectively exercise supervision of plain clothes officers in the course of their duties?

THE WITNESS: Definitely. That's their job.

MR ALLEN: In that case there would be no need for a plain clothes inspector rather than a uniformed inspector in that role.  
30

THE WITNESS: Oh, definitely not, no. I would love to have a detective senior sergeant working all shifts but it is just not going to happen and we have to look at reality. So we have a supervisor in a -- in the form of a -- sorry, district duty officer and a lot of them are actually ex-detectives but they are very experienced police, that's what they are there for, and they can go to an incident or they can go to a major crime and they can provide advice. And then you have the next layer where you have an inspector who they report to. So in reality, although it would be lovely, it is not needed.  
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MR ALLEN: In relation to preparing persons for promotion and, in particular, promotion into supervisory positions, does the management development program provide a useful training program, in your view?

THE WITNESS: I was promoted to detective sergeant prior to that system coming in, so I undertook the senior sergeant level, then the inspector level, and I would say that the -- in particular, the one from senior sergeant to inspector was the biggest operational learning -- sorry, management learning curve that I have ever undertaken. It was excellent and since then I have done the senior leadership

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management course and that's a follow-on and a back up to that and, again, that's excellent. I have never achieved an academic award in my life. I don't have degrees but I was able to really grasp what that was all about and it is the first time I have actually really taken on -- taken to a management course.

MR ALLEN: Not having any experience of it yourself, do you have any views on the effectiveness of MDP for promotion to sergeant or senior sergeant?

10 THE WITNESS: I think it is important. I think it is important in the sense that it teaches people how to, in particular, communicate effectively and for report writing. I think it is effective in the way that it exposes them to theory with regards to human resource management. Where the trick comes into it is to be able to marry that theory up with practical supervision, and they learn that by answering to their own sergeants as they go up to come up through the ranks as to what is required of them -- well, this is what we hope, anyway -- what's required of them and then they can marry that up to their theory and then they get opportunities, obviously, when they are experienced enough to relieve in the capacity of a supervisor, where they are guided and mentored, I suppose, to an extent where they can provide clear demonstrated examples that they can actually perform that role.  
20 And in a CIB context in particular it is very tight competition to go to that detective sergeant level. It has actually becoming more and more so. And then bottle neck again to detective senior sergeant.

MR ALLEN: Is that only on the Gold Coast or is that generally?

THE WITNESS: No, that's general. We're only quite a small portion of the service.

MR ALLEN: Is there a plain clothes development program?

30 THE WITNESS: Definitely. There is a detective training program. It is an enormous burden, I suppose -- not a burden, but work training program on our officers. They undertake training for three years minimum. They have to attend live-in components for three weeks at a time, and that, again, does impact big time on this, when you might have two of them away for three weeks at a time at detective training and they have to do that, and we, wherever possible, don't hold them back because it is their progression. So they do that -- they do three-phased training sessions and that teaches them all about the law, it teaches them about the practical application of the law, in particular compliance. They learn all about case  
40 law, processes. They learn about managing human sources, all of those types of things that are relevant to the CIB. Now, they not only attend those three weeks, they then, when they are not in that three-week period, have to select briefs of evidence of actual investigations that they've done and submit practicums to the detective training board and they actually assess them right across the board on every aspect of that investigation from the time they get the phone call till the time the matter's finalised in Court and they have disposed of their exhibits. They have to pass that process to get through detective training. Then they have to front a board of very senior detectives and career detectives and they have to demonstrate they have got the aptitude, and ethical -- what's the word I am looking for -- I have

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just lost it.

MR ALLEN: Attitudes or character?

THE WITNESS: Attitudes, to be a detective for the rest of their career and to be given that title as a detective. I'm always very proud when one of my people get a detective's appointment.

10 MR ALLEN: Does that training include any concentration on the aspect of the ability to supervise subordinates in the course of investigations?

THE WITNESS: No, normally plain clothes staff wouldn't be considered as supervisors, although regrettably at times they are rostered on as a senior officer because there is just no one else, because of Court and everything else. So the supervisory thing more comes about more when they are probably towards the end of their detective training. That means in reality, when you take into account leave and everything else, they have got probably three and a half to four years experience in plain clothes by that stage and that's when they are starting to look at possibly being suitable to start relieving, they will get their appointment. It's very rare that you will find someone in a team leader role who hasn't already obtained their detective appointment.

MR ALLEN: Dealing with improper associations in your statement, you have spoken about Dangerous Liaisons training.

THE WITNESS: Yes.

MR ALLEN: Has that essentially involved an officer coming from ESC, from outside the Gold Coast, or has it been allocated to Gold Coast officers to provide the training?

THE WITNESS: Oh, no, the service provides the training all across the state. My detective senior sergeant of administration was actually taken up and provided the training, was one of the deliverers of that training and travelled the state. That wasn't done in-house, it was done by people from all different areas.

MR ALLEN: Have you got any views of its effectiveness?

40 THE WITNESS: Look, it's definitely highlighted, you've got some career detectives who were involved with that, who sadly have done the wrong thing, and it's affected their entire life and their families and everyone else, and, you know, I think that has highlighted them very, very clearly how you can bring yourself undone very quickly and be cultivated by a very sharp criminal, and I don't even like to pay him that compliment.

MR ALLEN: How, at all, has it led to any changes in human source management, as far as you're aware?

THE WITNESS: Look, from my perspective, in my career in the drug squad,

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human sources have been part of my life for 12 years or 14 years of my career. I expect very high compliance with regard to dealing with human sources. I expect very high -- I have high expectation of anyone dealing with criminal elements. I don't shy away from dealing with criminal elements and I think that's probably very evident in my statement. In saying that, again, it comes back to you need ethical people and you need smart people who ask questions and then rely on their supervisors to provide them with advice and guidance when you're dealing with them. And, you know, we have to deal with criminals. Criminals don't come and give themselves up to us. That's part of life. So we have to try and instill in our people that ethical expectation that we have. And a hundred per cent -- not a hundred per cent, sadly -- take three off that -- we have compliance in that regard.

MR ALLEN: In paragraph 68 of your statement you say that there may be legitimate reasons why a plain clothes officer may form an association with a criminal or person associating with criminals, and you give an example.

THE WITNESS: 68?

MR ALLEN: Paragraph 68.

THE WITNESS: Yes. That's right. I mean, I've got the phone numbers for -- in my mobile phone, my work phone, I've got the numbers for the presidents and sergeants at arms of outlaw motorcycle gangs, and I will ring them if I need to, if I find out that they are doing a run or something, I will ring them and say, you know, "G'day, Teamo, how are you going? You're doing a run this weekend, how many are going, how many interstaters have you got coming, where are you going to stop, what are your intentions when you get back?" Then, that way, I can go to the district officer and say, "Well, look, I've had a yarn to him, he's telling us" -- you don't necessarily have to believe everything he tells us, obviously, but in the main, in those circumstances they are up front, because they know that if they don't tell us, then we will have to respond to what we believe is the worst case scenario and they are not going to have an enjoyable run.

MR ALLEN: So that's -- you develop a line of communication?

THE WITNESS: Yes.

MR ALLEN: All right. You draw a distinction between that and, say, a plain clothes officer forming a social relationship with someone in that position?

THE WITNESS: Yes. I wouldn't condone -- in the reference of a social relationship, I wouldn't condone any police officer being pally and friendly with known criminal elements of a particular outlaw motorcycle gang.

MR ALLEN: When you give your example in paragraph 71 of employing socialising with criminals as a deliberate strategy --

THE WITNESS: Yes.

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MR ALLEN: -- in a small rural hotel, I think, to be fair to you, it sounded less like socialising than confronting them?

THE WITNESS: That's it. I mean, it comes down to, if you go in and you're arrogant and you're confrontational then you're going to cause a major scene. If you go in and just happen to show up at the hotel whenever they do and make them feel extremely uncomfortable in that environment, then they are going to go somewhere else, back to the clubhouse or something along those lines. So that's what that was all about, at the request of the publican and the patrons, and it worked a treat.

MR ALLEN: You would expect, though, that any contact with persons of that nature or human sources be managed under the policy, to comply with the policy?

THE WITNESS: Definitely it formed a very large portion of the meeting I referred to on 18 June, where I -- and I do have a lot of experience in this and I gave them very clear examples on how people can be cultivated, and a perfect example of that is Dangerous Liaisons. It's all well and good to go out and cultivate informants, but young, inexperienced people can very easily be cultivated themselves. So they need to follow the policy, there is a reason for the policy, and I gave them examples of that and to back them up I got the human sources unit down to actually provide specific training to my staff at SIG.

MR ALLEN: The Dangerous Liaisons training, was that well received?

THE WITNESS: Yes.

MR ALLEN: Or acknowledged?

THE WITNESS: Yes, I believe it was, yes.

MR ALLEN: So, if a detective sergeant in SIG was referring to it as being stupid and asking for another officer to give him a phone call so they can get out of it, would that surprise you?

THE WITNESS: Yes, it would. And I'd like to know who he is.

MR ALLEN: Because that's not the impression you've gained?

THE WITNESS: Sorry?

MR ALLEN: Because that's not the impression you've gained, at least?

THE WITNESS: I would suggest that he would have a different opinion already. But if I find out who he is, he definitely will have.

MR ALLEN: All right. Code of conduct training, does that occur for plain clothes police officers on the Gold Coast?

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THE WITNESS: Look, code of conduct training starts at the academy. We don't have PowerPoints on code of conduct training, it all fits into the whole training scheme of things that, you know, there is a genuine expectation that people know what ethical behaviour is. I mean, at the end of the day your ethics and morals are learned way before you join the police force, as far as I'm concerned.

MR ALLEN: So there isn't any specific code of conduct training that's presented to in-service police?

10 THE WITNESS: Not unless there's an issue that's identified, similar to Dangerous Liaisons, where they would have reminded people of what's in the code of conduct and what's expected of them with regard to associating with criminals and, more to the point, how the public might perceive their activities.

MR ALLEN: In paragraph 31, at the bottom of page 7 of your statement, you say that the sharing of information between agencies at a management level -- and you're talking about agencies such as those you have nominated in paragraph 30?

THE WITNESS: Yes.

20

MR ALLEN: How does that provide a safeguard that identifies criminal behaviour that could otherwise be protected by unethical behaviour of members of a particular agency?

THE WITNESS: Basically what you've got is a cross-pollination of information. So if there is a criminal organisation that's existing on the Gold Coast at some -- that I'm unaware of, because there might be some member of the Queensland Police Service, for example, who is doing something to protect that, not necessarily -- that influence is not going to influence, for example, the Australian  
30 Federal Police or the Australian Crime Commission. So if we come together and they raise with me, "Have you heard about Bill Bloggs?" I'll say, "No, I haven't, but I'm very interested in Bill Bloggs, thank you," and I'll do something with about it. We do that with the CMC.

PRESIDING OFFICER: It's the only way to do things, isn't it?

THE WITNESS: It's the only way to do business, yes.

40 MR ALLEN: You haven't become aware of any other agencies being reluctant to share information with QPS officers on the Gold Coast?

THE WITNESS: I have become aware of another very unfortunate situation in my office that's not related to this, but I'm sure you are aware of it, again, that's been addressed. But, other than that, I think there has been a couple of things that are niggling, that have niggled over the years, but I believe, in particular since we have started Task Force Alliance and we are all working together, and in particular since we have had our eight homicides or whatever it is and we are all working together, I can assure you that my colleague in NIG and I and the regional crime coordinator are doing everything we can to foster very good relations with the state crime op,

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because we can't do it on our own and we have to rely on them.

PRESIDING OFFICER: Mr Allen, how much longer do you think you will be?

MR ALLEN: I will be a little while yet. I would appreciate perhaps a short break at this time.

10 PRESIDING OFFICER: I don't mind a short break at this time. I am happy to sit through until 5.00. I don't want to have to ring you back tomorrow, if we can avoid it.

MR ALLEN: No.

PRESIDING OFFICER: All right, 10 minutes.

**THE HEARING ADJOURNED AT 3.44 PM**

**THE HEARING RESUMED AT 3.58 PM**

20 MR ALLEN: Detective Inspector, you've got in front of you an edited transcript of some evidence that was given in a closed hearing by a plain clothes constable in April this year. That officer was being examined about those entries in his official diary where he had written that he had conducted an emergency search of a dwelling or premises, but there was no indication that he had subsequently obtained any post-search approval from a magistrate. As an experienced detective, you are aware that there's a power under the Police Powers and Responsibilities Act for a police officer to enter premises for the purpose of a search without a warrant, in circumstances where there's grounds to reasonably believe that there might be evidence lost otherwise?

30 THE WITNESS: Yes.

MR ALLEN: But there's also a corresponding requirement to make application for a post-search approval from a magistrate?

THE WITNESS: That's correct.

40 MR ALLEN: It's in that context that the witness was asked and answered the questions. The witness appeared to indicate, as one can see from the transcript, that he would not obtain a post-search approval for a search if he didn't find anything of relevance, firstly. If we go over the page --

THE WITNESS: Sorry, can I just clarify? Sorry, I'm just rereading this, because you are talking about a premises here, aren't you? He's entered a building, or a search of a car or something?

MR ALLEN: Yes.

THE WITNESS: He's done a search of a residence or a building, is that right?

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MR ALLEN: Yes, that's right. In relation to the first search he is asked about, he said he didn't think that he obtained a post-search approval. He's then asked, under the next subheading on the first page, about his practice. If we go over the page, he agreed that he didn't get a post-search approval in that particular instance he's being asked about. You will see that he says that his reason was that, "The charges ended up being discontinued in relation to the tainted property, so the matter didn't go to court and therefore I didn't obtain a post-search approval order." So it seems, even in an instance where the property has been seized, if the charges weren't laid or continued, he didn't bother getting the post-search approval order.

10 Then if we go under the next subheading, he says that he's -- you'll see there's a question, "Is it your practice that if no evidence is located or no arrests are made, you don't search post-search approvals?" He says, "Yes."

This is why I'm really putting to you the following questions, so that you'll have the opportunity to put your view whether it agrees with or is contrary to this witness. He's asked, "Is that common in the CIB on the Gold Coast?" He says, "Yes." He is asked, "Why is that commonly done?" He says, "It's time." He's asked, "It's just a nuisance, is it, is that the attitude?" He says, "Basically, yes." He's asked the question, "It's time and effort that you don't need to spend?" Answer, "That's correct. With the large workload, it's also the case that it's rarely contested or rarely an issue because nobody else is going to court." Question, "Well, it's not going to be contested, is it? No one will ever know about it because you haven't charged anyone?" Answer, "Until you come to a hearing such as this, but that's basically the case."

20 Once again, a question that I'm going to give you an opportunity to comment on, along with the answer. Question, "Is that something which your supervisors are aware, that searches are being conducted without obtaining appropriate approval?" Answer, "Yes." He is asked, "At what level?" And he says that he only knows of immediate supervisors, so detective sergeants. A couple of questions after that, he is asked, "It's just something that it's the way that you do things at Surfers Paradise -- sorry, on the Gold Coast, at the CIB?" He says, "Yes." He says he doesn't remember any particular exceptions to that of officers who are particularly vigilant to obtain post-search approval. He seems to regard everyone as in the same boat as himself.

30 Now, firstly, do you have any opinion yourself as to whether that officer's evidence that his practice is commonplace is reliable or not?

40 THE WITNESS: My opinion of that evidence is that is a fellow who is very slack and poor on his compliance, and he's trying to justify it by slinging mud at his other colleagues, and in my experience in the professionalism that I've seen in my staff, that isn't the case.

MR ALLEN: So you certainly don't agree that it's a common practice amongst Gold Coast CIB officers that if no property is found or no charges laid as a result of an emergent search, that there is no application for a post-search approval?

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10 THE WITNESS: No, and that's a ridiculous proposition. They exercise the power and the power says that by exercising that power, their compliance is they have to get that post-search approval. It's supposed to be recorded on the PAC, on the QPRIME system. I'm not aware of, and bearing in mind I understand the Gold Coast CIB have been scrutinised quite significantly in relation to searches and search warrants of recent times, I'm not aware and no one has made me aware that there's a major issue or any issue with regards to this. If there is, I'd like to know about it. My people are very professional. I find it extremely hard to believe that that is a widespread activity on the Gold Coast amongst detectives.

MR ALLEN: Even if it's just confined to that officer, why would it be that it would require a CMC investigation to find that as being his practice? Why wouldn't there be some process of auditing the records of his searches against applications for post-search approval?

20 THE WITNESS: Probably, you know, there's -- again, we don't have time to sit down and audit individual PAC entries, individual activities on every day to day. We just don't have the time to do that. We can't sit down and, from go to whoa, analyse every action that's taken by our detectives. We have to rely on our supervisors teaching them, providing them the training they need to do their job properly. I can't answer that any other way than that.

MR ALLEN: Thank you. Your Honour, I tender that extract of the transcript for the record.

THE WITNESS: I've written on it, sorry, or scratched on it.

30 MR ALLEN: I will tender a clean copy.

PRESIDING OFFICER: Okay. Exhibit 121.

**ADMITTED AND MARKED "EXHIBIT 121"**

MR ALLEN: Thank you. In paragraph 91 of your statement, finally, you say at the bottom of the page that negotiations with CMC investigators have led to your staff being interviewed at their own office, where possible?

40 THE WITNESS: That's correct.

MR ALLEN: To reduce stress and also reduce impact on office operations?

THE WITNESS: That's exactly right, yes.

MR ALLEN: Can I suggest that there was, as example, three weeks ago, a CMC disciplinary interview of an officer in the CIB offices, and it occurred at that location at the officer's request?

THE WITNESS: There's been numerous interviews conducted. I don't know

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which one you are talking about, but we have had your people down on regular occasions to conduct interviews there. But I have specifically asked for that, for that reason.

MR ALLEN: I am just going to put some matters to you, so that you have the opportunity to comment, if you are able to. I'm going to suggest that, prior to the interview, inquiries were made by the CMC as to whether the interview room could be externally monitored by audio or visual equipment in the room.

10 THE WITNESS: Yes.

MR ALLEN: And, if so, whether that equipment could be disabled. Is it possible to monitor conversations in an interview room from outside?

THE WITNESS: To my knowledge, the arrangements that I made with the CMC, the interviews actually occurred in a remote room, which is basically our MIR, it wasn't actually -- they weren't done in the proper interview rooms that do have external monitoring capability.

20 MR ALLEN: Can I suggest that at least one interview was conducted in such a room, but that CMC officers were assured that the interview would not be externally monitored by station staff?

THE WITNESS: The only interview I know of that was conducted in the room was one that I sat in with my AO property officer, and that was in the very early days, and that was to do with another investigation. As far as I'm aware, the interviews that were being conducted by the CMC were conducted in the room within the MIR, which is a room totally away from the main operations of the floor, and closed doors and no one was monitoring it.

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MR ALLEN: So you are not aware of an interview about three weeks ago which was in fact, despite assurances to the contrary, monitored externally by other police at the station?

THE WITNESS: Definitely not.

MR ALLEN: That hasn't been raised with you?

THE WITNESS: No, and I wouldn't have found it appropriate.

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MR ALLEN: What could be done to ensure that that sort of thing wouldn't happen in the future?

THE WITNESS: Well, that's why I put you in a room that's away, where there's no chance of it happening. So I don't know how you ended up in an actual interview room actually.

MR ALLEN: Okay. You can't shed any light on that?

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THE WITNESS: No.

MR ALLEN: Thank you, Detective Inspector.

MR BURNS SC: Detective, I want to get an idea of hours of work, if I could, for a detective?

THE WITNESS: Yes.

10 MR BURNS SC: There are rosters we have heard about, 8-hour shifts, are they?

THE WITNESS: The rostered shifts are eight hours, that's right.

MR BURNS SC: For every detective?

THE WITNESS: That's right.

MR BURNS SC: And, what, 40 hours a week?

20 THE WITNESS: That's their -- that's what they are paid, yes, unless they get overtime.

MR BURNS SC: You have given some evidence with reference to the time line that was tendered as part of your statement about workload. I am just trying to get some indication, if we can, whether detectives are able to get through their workload within the rostered hours?

30 THE WITNESS: No. Look, it's a common practice, and it has been since I joined the CIB, that detectives will work and work many, many hours in their own time. That's basically -- you know, we talked before about people having their own values and ethics, and that is -- these people simply come in to ensure that, you know, they have to get court briefs done on time. They might get notified by DPP that there's a trial starting tomorrow, because another one has fallen over. They will be in there for an entire day on their own time, organising witness and putting things together. You've got officers who come back on rest days to catch up with court briefs or doing their diary even, things like that. Then you have circumstances where they will just stay behind after work to just try and finish off, but they won't claim overtime.

40 MR BURNS SC: So this additional work, you can claim overtime for it?

THE WITNESS: Look, we just can't pay them all that overtime.

MR BURNS SC: In the life of an average detective under your command, over the course of a week they are paid for 40 hours?

THE WITNESS: That's right.

MR BURNS SC: Can you estimate how much additional unpaid work over and

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above the 40 hours they perform, on average?

THE WITNESS: Look, it -- it would be basically an observation, with a lot of different factors on it, but it wouldn't be unusual for a detective to work 50 hours a week, that extra 10 hours being unpaid. Whether that's done each day or whether it's done on a day off in one 8-hour block, you wouldn't know.

MR BURNS SC: It would average out at something like that, would it, an additional 10 hours unpaid?

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THE WITNESS: Yes, in some instances, and sometimes, that would be at least.

MR BURNS SC: You were asked by Counsel Assisting a number of times about what measures could be taken to enhance accountability, improve systems of accountability?

THE WITNESS: Yes.

MR BURNS SC: One measure you advanced was the continuation of the satellite team concept?

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THE WITNESS: Yes. Look, I -- personally, I believe that the satellite teams are the way of the future. But they will only be effective if and when we are staffed effectively to do that and resourced effectively to do that. But I just see great value in the detectives working in the same building as their general duties officers, whereas since 1998, I believe, we have been put into a building on our own, and we don't have a great deal of, you know, contact with them unless we run into them at a job.

MR BURNS SC: That's satellite teams. Your statement refers to two separate written evaluations you have done about that.

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THE WITNESS: Yes.

MR BURNS SC: So it would be safe to say or correct to say that's still in the trial phase?

THE WITNESS: We've had to pull one team back, a Broadbeach team, back to Burleigh, because we simply don't have the staff to run the roster on response. But we have definitely left a team at Coolangatta to keep that happening.

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MR BURNS SC: You have expressed firm views that that's the way of the future?

THE WITNESS: That's right.

MR BURNS SC: Are there any other measures that could be taken to enhance accountability?

THE WITNESS: Look, accountability-wise, you know, the detective inspectors

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there, we are very hands on. We have to be very hands on, just purely due to the level of crime that we investigate, the serious nature of the crime we investigate. I could probably see merit in having a detective inspector or at least a senior sergeant that's not put under the pressures of the operations that we have to undertake, that could focus solely on moving between the two squads, to keep an eye on compliance and make sure that the -- you know, we're all not getting distracted and missing things. I participated in the CIB review, and I understand, although I don't know the content of the report, I understand that supervision was addressed in similar vein.

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MR BURNS SC: Well, would that be a dedicated compliance officer or something of that nature?

THE WITNESS: Yes, or a team, yes.

MR BURNS SC: And that would free officers up to continue their criminal investigation work?

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THE WITNESS: Yes. I wouldn't take away from the responsibilities of team leaders. I would use them to assist the team leaders, and the senior sergeants for that matter, in making sure that compliance is being done on a regular basis.

MR BURNS SC: I see. And what about organised crime?

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THE WITNESS: As I said earlier, we are working very hard to get better relations between ourselves and so-called operations command, and we definitely have achieved great things together over the last 15 or 18 months. There's no way that you could put, you know, another 100 detectives down there. In reality, we need to be able to all work together to attack organised crime from a lot of different angles, and I believe that, you know, utilising and doing joint operations with them is actually the way to achieve that. Ideally, I would like to see that we form a permanent situation to Alliance, where we have state crime operations, command and drugs and property people working with our people. It gives us ownership of it, our local detectives are involved in it, and it's not just something done out of Brisbane, and I think that's is a very important process.

MR BURNS SC: Thank you.

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MR NICHOLSON: Detective Inspector, I've just got a couple of questions to clarify with you from your evidence this afternoon to do with training of plain clothes constables. You talked about the detective training phase; is that done at the academy?

THE WITNESS: That's right.

MR NICHOLSON: It's done over three phases, with a minimum of three years?

THE WITNESS: That's right.

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MR NICHOLSON: You've also talked about the constables development and training program?

THE WITNESS: That's right.

MR NICHOLSON: And the senior constables management development and training program?

THE WITNESS: That's right.

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MR NICHOLSON: They are not done in isolation, are they? They are separate programs run in parallel?

THE WITNESS: That's right. Or they should be, anyway, yes, that's right.

MR NICHOLSON: Also, particularly for the south-east region, there's also a plain clothes development program as well that's been established as well for the south-east region?

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THE WITNESS: That's correct.

MR NICHOLSON: That's as a development program to assist plain clothes constables in progressing through their phases at detective training?

THE WITNESS: That's exactly right. And it's also a tool for us, as the managers, to ensure that someone doesn't get to the end of that period and be lacking in a particular area, so we can guide them from an early stage to developing in that area where they may be lacking.

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MR NICHOLSON: As an overview of your evidence, there seem to be a number of training programs, in particular plain clothes development programs; the detective training, the development program for all officers seeking to progress rank and also, particular to the south-east region, there's a plain clothes development program that's been offered?

THE WITNESS: Yes. If I can compare it to when I went through, I went to the academy and done six weeks in the academy as a crash course on being a detective, and then I did three years, you know, as a mentor during my training. Nowadays there is an extreme focus on the professionalism of our detectives, and that is

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MR NICHOLSON: Thank you for that.

MR CARMODY SC: Just a couple of questions. I gather that your position is that you just don't have the time or the resources available to micromanage your staff?

THE WITNESS: Um, micromanage, I don't know, I'm not really big on the term micromanage. I don't have the time to personally sit down, and it's not my role to sit down and inspect diaries. You know, I've been through that, I did all that 15

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years ago. I expect my team leaders to step up and do what they are paid to do, and that's their job.

MR CARMODY SC: But at some point in time they have to take the records they are given and the information they are given at face value?

10 THE WITNESS: I think we all do at some stage. It just comes down to, you know -- they are definitely the ones who are out on the road with them, driving around with them, listening to them, they are more likely to socialise with them than I am. They are the ones with their finger on the pulse, and I believe very strongly that they are really the key to being successful in what we're discussing in this hearing.

MR CARMODY SC: And by and large they are?

THE WITNESS: They are, very much so, yes.

20 MR CARMODY SC: At paragraphs 17 and 66 you talk about a meeting you had in June 2009?

THE WITNESS: Yes.

MR CARMODY SC: And one more recently, in September, that dealt, firstly, with supervision expectations and ethics training; right?

THE WITNESS: Oh, yes, yes.

30 MR CARMODY SC: The management and supervision expectations meeting you had, was that something you devised yourself?

THE WITNESS: That's right.

MR CARMODY SC: And what sources did you use to sort of work out what the expectations were?

THE WITNESS: Well, obviously I've got a pretty good idea of what the expectations are in the service.

40 MR CARMODY SC: It's not rocket science, is it?

THE WITNESS: No, that's right. It's well and truly known by everyone, and then I applied my own expectations to those expectations.

MR CARMODY SC: You partly told them what they were and why they were important?

THE WITNESS: Exactly.

MR CARMODY SC: Okay. Did that come as news to them, do you think?

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THE WITNESS: No, I don't think so. I think some of the scenarios that I brought up, where they could be inadvertently cultivated, might have opened a few of their eyes, or I hope that it would have.

MR CARMODY SC: Did you hope that the clearer the standard was and the more practical examples you could give about applying it in real time helped?

THE WITNESS: Yes.

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MR CARMODY SC: That that was a helpful way of conveying the message?

THE WITNESS: Yes.

MR CARMODY SC: Do you think the staff thought that was a good communication method as well?

THE WITNESS: I think so, yes.

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MR CARMODY SC: You got good feedback from them?

THE WITNESS: Yes, I got good feedback.

MR CARMODY SC: Now, the ethics training, again, did you devise the training module for that?

THE WITNESS: The Assistant Commissioner was the one that asked for that to be done and be done specifically by the detective inspectors for the region, that is, not just the Gold Coast, obviously.

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MR CARMODY SC: Right, so you all get together and come up with an ethics training --

THE WITNESS: Yes, with the detective superintendent, and then my colleague at NIG drew the short straw, so to say, and he put it together.

MR CARMODY SC: Again, you didn't go to the literature that's --

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THE WITNESS: Oh, we did. We made sure that what we were teaching them was what was actually the policy but we are emphasising on this is a practical scenario to apply what the policy is about.

MR CARMODY SC: Yeah, and policy you mean the police -- QPS policy?

THE WITNESS: Yeah, including the code of conduct.

MR CARMODY SC: Okay. Have you still -- was that put in writing or anything like that?

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THE WITNESS: It is a power point presentation basically we have got prompts on it so we can talk to it.

MR CARMODY SC: Can you send us a copy of it?

THE WITNESS: I can get you a copy of it.

MR CARMODY SC: Okay. When that's available, can I tender that, please, Mr Chair?

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PRESIDING OFFICER: When it is available, yes.

MR CARMODY SC: Thank you. Likewise, with the management supervision, the expectations one you had in June 2009, did you commit that to writing?

THE WITNESS: I have a personal power point presentation I put together for that.

MR CARMODY SC: Likewise with that one?

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THE WITNESS: Yeah.

MR CARMODY SC: Likewise, Mr Chair.

PRESIDING OFFICER: Yes.

MR CARMODY SC: Now, the last thing I want to ask you about is the Dangerous Liaisons.

THE WITNESS: Yeah.

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MR CARMODY SC: You had a workshop on that?

THE WITNESS: We all attended workshops on that.

MR CARMODY SC: When you say "we all", the detectives?

THE WITNESS: Yeah, definitely all detectives were required to attend and I understand sergeants -- uniformed sergeants and above, I think, was the cut-off, yeah.

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MR CARMODY SC: The constables and senior constables didn't get to go?

THE WITNESS: I have got a feeling that that's what was -- I can't -- yeah, I am pretty sure that was it. All detectives definitely had to attend and for some reason in the back of my mind I believe it was sergeants and above, supervisors of the general staff.

MR CARMODY SC: The constables and the senior constables could have benefited from it then, couldn't they?

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THE WITNESS: Yeah, we all benefited from it.

MR CARMODY SC: Okay.

THE WITNESS: I just don't know -- I might be wrong there. I mean -- but that was my understanding of it.

10 MR CARMODY SC: Right. I said that was the last thing. I lied. There is one more thing I want to talk about and that's what you say in paragraph 53. You talk about an effective supervisor of plain clothes officers.

THE WITNESS: Yes.

MR CARMODY SC: And the characteristics that person has.

THE WITNESS: Yes.

20 MR CARMODY SC: One is to lead by example.

THE WITNESS: Definitely, yes.

MR CARMODY SC: By that you mean be a good role model.

THE WITNESS: Yes.

MR CARMODY SC: The other was the ability and will to monitor; what do you mean by that?

30 THE WITNESS: They need to step up to the mark, they need to do their job, what they are paid for, what they have been promoted to and everything that they may claim to be able to be doing in their application, and that is supervise their staff, keep them on track and live up to the expectations of the service.

MR CARMODY SC: And to correct and report bad behaviour?

THE WITNESS: Yes.

40 MR CARMODY SC: Do you make that clear to your supervisors that that's what you expect of them?

THE WITNESS: Yes.

MR CARMODY SC: Would you appoint one you didn't think was capable of doing that?

THE WITNESS: No.

MR CARMODY SC: Do you find that age or rank makes a difference to the

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effectiveness of supervision?

THE WITNESS: No, not really. I have seen people with a lot of age in them who are just definitely not effective supervisors. Then I have seen young people who are highly motivated, highly respected by their colleagues who are good supervisors.

MR CARMODY SC: Yes.

10 THE WITNESS: So, no, I don't put a lot of credence in any of that.

MR CARMODY SC: Right. There are some leaders who people just follow out of curiosity.

THE WITNESS: That's right, and then there are some supervisors who will work as hard as they possibly can to do their job properly but, you know, they mightn't have the panache as a young fellow.

MR CARMODY SC: They don't have the authority.

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THE WITNESS: They still have the job -- do the job.

MR CARMODY SC: So again it is a personal based thing; supervisors, there are born good ones and naturally good ones and some who can acquire the ability but not everyone.

THE WITNESS: Oh, no, you know, we have definitely got some who aren't as good as others, yeah.

30 MR CARMODY SC: And that would apply irrespective of rank, so that just because you have a sergeant, it doesn't mean to say you have got a supervisor of any quality.

THE WITNESS: No, I agree with that.

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

PRESIDING OFFICER: Mr Allen?

MR ALLEN: I have no re-examination. Could the detective inspector be excused?

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PRESIDING OFFICER: Thank you very much. You are excused. We are very much indebted to you.

**WITNESS EXCUSED AT 4.27 PM**

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**EXHIBITS**

EXHIBIT 119	Attendance notice and oath of service	3505
EXHIBIT 120	Statement of Michael William Dowie	3505
EXHIBIT 121	Extract of transcript	3547