



Crime and Corruption Commission  
QUEENSLAND

# Investigation Arista

A report concerning an investigation into the Queensland Police Service's 50/50 gender equity recruitment strategy

May 2021







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### Crime and Corruption Commission

GPO Box 3123, Brisbane, QLD, 4001  
Level 2, North Tower Green Square  
515 St Pauls Terrace  
Fortitude Valley QLD 4006

Phone: 07 3360 6060  
(toll-free outside Brisbane: 1800 061 611)  
Fax: 07 3360 6333  
Email: [mailbox@ccc.qld.gov.au](mailto:mailbox@ccc.qld.gov.au)

Note: This publication is accessible through the CCC website <[www.ccc.qld.gov.au](http://www.ccc.qld.gov.au)>.

GPO Box 3123  
Brisbane QLD 4001

Level 2  
North Tower Green Square  
515 St Pauls Terrace  
Fortitude Valley QLD 4006

Tel.: **07 3360 6060**  
Toll-free: 1800 061 611  
(in Queensland outside  
Brisbane)

Fax: 07 3360 6333

mailbox@ccc.qld.gov.au  
www.ccc.qld.gov.au

ABN 32 164 714 360



May 2021

The Honourable Curtis Pitt MP  
Speaker of the Legislative Assembly  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Speaker

In accordance with Section 69(1)(b) of the *Crime and Corruption Act 2001*, the Crime and Corruption Commission hereby furnishes to you its report: *Investigation Arista - A report concerning an investigation into the Queensland Police Service's 50/50 gender equity recruitment strategy*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. MacSporran', followed by a long horizontal line extending to the right.

**A J MacSporran QC**  
Chairperson

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# Foreword

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This report is a lesson in organisational culture and corruption risks. It is about how messages from the executive leadership are communicated, understood, acted and reported on within an agency. It is also about how staff may know that there is something wrong, but have become accustomed to following their leader's instructions rather than asking uncomfortable questions. Such a culture clearly opens up an organisation to risk, particularly the risk of corruption.

This report is important for the public sector because it could happen in any agency. Readers should look beyond the specifics of the case to the larger questions it poses about organisational integrity. When we have doubts about a course of action, what should we do? Is dishonesty ever the best policy? Who is prepared to speak truth to power? And, for those in power: Do we have the courage to recognise and accept the truth, even when it is not what we want to hear? Do we have the daring and determination to look beyond and challenge our own preconceptions to objectively examine situations, seek the truth and ensure appropriate action is taken? Or, do we in fact encourage our staff to misrepresent situations, or tell us what we want to hear, because they fear our reaction?

Investigation Arista details how the Queensland Police Service (QPS) reacted when its most senior officer, the then Commissioner of Police, decided to implement a strategy about gender equity. While that is the specific context of this report, this report is not an examination of the merits of gender equity strategies; rather, it is an examination of the way the strategies were initiated, implemented and reported.

The central problem identified in the report is the corrupt manipulation of recruitment processes and the reporting of these processes, and how this was significantly enabled at the QPS by a failure of leadership.

While admirable in its intention, the strategy was a challenging one for the QPS within the realities of their recruiting environment. Senior officers claimed not to know that, within their organisation, "aspirations", when expressed by those higher up the chain of command, were taken as direct orders. Sadly for the organisation, staff at the lower operational levels stated they had been conditioned by their leaders not to question orders, and instead felt pressured to comply.

So the staff who had been tasked with the implementation of the strategy began to manipulate processes, data, language, and the truth to gratify executive "aspirations" and the organisation's media image. Senior officers not directly involved, but who should have known better, were content to accept whatever they were told and didn't properly question how the strategy was being implemented. Among the executive, no-one appears to have given any serious thought to (or asked any critical questions about) a strategy that would affect the whole organisation for years to come.

Finally, and most concerning, through inadequate research and advice and poor implementation the QPS allowed the unsuitable to become the acceptable and ignored the potential risks to the QPS, potential police recruits and the community at large.

**A J MacSporran QC**

**Chairperson**

**Crime and Corruption Commission**





## List of abbreviations

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ACER	Australian Council for Educational Research
AFP	Australian Federal Police
APSAD	Applied Policing Skills Assessment Day
BOM	Board Of Management, QPS
CALD	Culturally And Linguistically Diverse
CCC	Crime and Corruption Commission
EBN	Executive Briefing Note
ELT	Executive Leadership Team
HR	Human Resources
PSBA	Public Safety Business Agency
POI	Person Of Interest
QAO	Queensland Audit Office
QCAT	Queensland Civil and Administrative Tribunal
QFES	Queensland Fire and Emergency Services
QPS	Queensland Police Service
QPUE	Queensland Police Union of Employees
PCAP	People Capability Command, QPS
RS&W	Recruiting, Safety and Wellbeing, QPS
RTI	Right To Information
TORA	Test Of Reasoning Ability

## List of legislation

*Anti-Discrimination Act 1991 (ADA)*

*Crime and Corruption Act 2001 (CC Act)*

*Human Rights Act (Qld) 2019 (HR Act)*

*Police Service Administration Act 1990 (PSAA)*

*Public Service Act 2008 (PSA)*



## Executive summary

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1. In November 2015, the then Commissioner of the Queensland Police Service (the then Commissioner) asked that “strategies be put in place to select not less than 50% females” as police recruits for all future police recruit intakes. This was to address the “comparatively low number of women in positions within the service”, with the proportions of sworn police officers in the QPS at that time around 74% male and 26% female (with policing being a traditionally male-oriented occupation).
2. The CCC’s investigation has revealed ample evidence to support the conclusion that in striving to achieve that target, during the period December 2015 to around October 2018, the QPS engaged in discriminatory recruitment practices to achieve the 50% female recruitment target.
3. The CCC’s investigation uncovered a number of decisions and events that, with the benefit of hindsight, contributed to this result.
4. At that time gender equity was seen as a key imperative of the Queensland Government and 50% female recruitment was seen as a key imperative of the QPS.
5. The request by the then Commissioner in November 2015 to implement strategies to select not less than 50% female recruits per intake was a “surprise announcement” to the front line staff responsible for police recruitment, as there had been a lack of consultation about it previously.
6. There was ambiguity about whether the then Commissioner had directed staff to ensure 50% of recruits were female, or whether this was an “aspirational” target with a recognition that it may not be met.
7. Warnings by staff about the need to discriminate based on gender to achieve the target and the risks that followed were not communicated to the then Commissioner and senior QPS staff.
8. Staff of the QPS Recruiting Section were so intent on achieving this target that discriminatory recruitment practices were used. The discriminatory practices saw different standards applied to female and male applicants, with females selected in preference to male applicants who had performed to a higher standard across entry assessments.
9. By late 2017, in order to achieve the target of 50% female recruitment, some female applicants were approved for progression by methods including:
  - Lowering the required standard for female applicants on cognitive assessment (including for female applicants who had already previously been told they did not meet the required standard);
  - Allowing female applicants who had failed aspects of the physical assessment to progress; and
  - Allowing female applicants who had previously been assessed as not suitable on psychological grounds to progress.
10. Senior management of the QPS trusted the management and staff of the QPS Recruiting Section to make decisions around recruiting practices without further examination and to report accurately.
11. There was a perception police recruiting was complex and those external to the QPS Recruiting Section would not understand the complex processes involved, so they weren’t qualified to criticise or comment.



12. The CCC investigation also revealed a recurring pattern of misleading, deceptive and false reporting practices in relation to recruitment. Staff and management in the QPS Recruiting Section regularly provided information that was evasive, misleading and did not answer the questions asked. There was a lack of honest reporting to a host of audiences, both internal and external to the QPS.
13. Managers and staff of the QPS Recruiting Section consistently used inaccurate and misleading “spin” in their reporting to senior management that, when viewed objectively, supports the conclusion that this was designed to hide the use of discriminatory practices.
14. The senior executive of the QPS were unwavering in their support of, and determination to achieve, 50% female recruitment, with senior QPS executives never seeking appropriate clarification on the meaning of the spin used.
15. There was no impetus shown to investigate concerns or complaints about discriminatory recruitment practices.
16. What started as a nobly intended strategy was poorly communicated to front line staff who were tasked with its implementation and discriminatory practices were implemented to achieve its goal. Those practices were hidden by misleading information and spin and senior executives blindly accepted the spin and did not enquire further.



# 1 – Introduction

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## The CCC's jurisdiction

17. The CCC has the responsibility to investigate matters that may involve corrupt conduct by anyone who holds an appointment in a unit of public administration in Queensland. A person holds an appointment in a unit of public administration if they hold any office, place or position in that unit, whether the appointment is by way of election or selection.<sup>1</sup>

## ***Crime and Corruption Act 2001 – “corrupt conduct” and “police misconduct”***

18. “Corrupt conduct” is defined in section 15 of the *Crime and Corruption Act 2001* (CC Act). In order to be corrupt conduct, it must be conduct which, if proved, would be a criminal offence, or a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.<sup>2</sup>
19. In relation to the QPS, the CCC has an extended corruption jurisdiction that includes “police misconduct”, which means conduct of a police officer that is disgraceful, improper or unbecoming a police officer, shows unfitness to be a police officer, or does not meet the standards of conduct the community reasonably expects of a police officer.<sup>3</sup>

## The complaint

20. On 20 November 2019, the QPS notified the CCC of allegations, the précis of which was:  
*Queensland Police Service notify of [a senior QPS employee<sup>4</sup>] who it is alleged has manipulated the recruitment strategy of the Queensland Police Service through dishonesty and discrimination, to favour female applicants over male applicants to favour a non-negotiable 50% female recruitment for every intake.*
21. After assessing the initial complaints, the Executive Leadership Team of the CCC decided to investigate this matter on 19 December 2019.

## The decision to investigate

22. The CCC does not investigate all complaints it receives. All action which the CCC takes must be in pursuit of its statutory functions and purposes. Primarily these are to combat and reduce the incidence of major crime, and to continuously improve the integrity of, and reduce the incidence of corruption in, the public sector.<sup>5</sup>

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1 Section 21 CC Act.

2 Section 15(1) CC Act.

3 Schedule 2 Dictionary, CC Act, definition of “police misconduct”.

4 Referred to as “PO11” in this report.

5 Section 4 CC Act.



23. This is to be achieved by the CCC, amongst other things, investigating corrupt conduct, particularly more serious cases of corrupt conduct and police misconduct, and helping units of public administration to deal effectively and appropriately with corruption by increasing their capacity to do so.

## Decision to issue a public report

24. The CCC also has an overriding responsibility to promote public confidence in the integrity of units of public administration.<sup>6</sup>
25. The CCC does not publish reports on every matter it assesses or investigates.
26. In this case, the CCC has decided to issue a public report on this matter due to the systemic and serious nature of the conduct, the seniority of the people involved and in order to:
- highlight the importance of senior public sector employees demonstrating the highest ethical standards and behaviours;
  - remind senior public sector employees of their crucial role in building a constructive organisational culture and to ensure the efficient and appropriate use of resources;
  - highlight the importance of public sector employees accurately reporting to their senior officers; and
  - highlight the importance of transparency in responses to applicants, members of the public and the media.
27. This report is published under section 69 of the CC Act.
28. Under the CC Act, the CCC must act independently, impartially and fairly having regard to the purposes of the CC Act and the importance of protecting the public interest.<sup>7</sup> The CCC must also act in accordance with the *Human Rights Act 2019* (the HR Act) and must not act or make a decision in a way that is not compatible with human rights or, in making a decision, fail to give proper consideration to a human right relevant to the decision.<sup>8</sup>
29. The CCC acknowledges the publication of this report is likely to engage human rights in relation to equal protection of the law without discrimination<sup>9</sup>, taking part in public life<sup>10</sup> and privacy and reputation<sup>11</sup>. Having regard to the clear statutory basis and reasons for the publication of this report, together with the measures adopted to ensure fairness with respect to the content of the report<sup>12</sup>, the CCC considers the decision to publish the report is compatible with human rights in that it limits human rights only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HR Act.<sup>13</sup>

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6 Section 34(d) CC Act.

7 Section 57 CC Act.

8 Section 58 HR Act.

9 Section 15(3) and (4) HR Act.

10 Section 23 HR Act.

11 Section 25 HR Act.

12 Including revealing the identity of relevant persons only when it is necessary to understand and/or give context to the report; the procedural fairness process; and the inclusion of the content set out under the heading "Caution regarding the drawing of adverse inferences" below.

13 Section 8(b) HR Act.



## Procedural fairness process

30. As mentioned above, the CCC has a statutory duty to act independently, impartially and fairly, in the public interest, having regard to the purposes of the CC Act, and in accordance with the HR Act.
31. Accordingly, for the purpose of procedural fairness, the CCC gave the draft report (or relevant parts of it) to people referred to in it (whether those people were specifically identified or not) where those references may be viewed as adverse, and invited them to make submissions prior to the CCC determining the final form of the report. Respondents could provide confidential or non-confidential submissions.
32. The CCC indicated to respondents that non-confidential submissions may be annexed to the final report, while confidential submissions would be noted as received but not attached to the final report. Copies of all non-confidential submissions are included in Appendix 1. Some of the submissions have been redacted due to references to personal information or because they could be seen as adverse to those people identified.

## Caution regarding the drawing of adverse inferences

33. The CCC has not named individuals in this report, but a number of people are referred to in this report. Those individuals may be able to be identified. In many instances, those people cooperated with the investigation. No adverse inferences should be drawn about those people, unless the report specifically attributes wrongdoing to the person.
34. There is likely to be disciplinary action arising out of the events described in this report. Anyone charged with a disciplinary offence is entitled to due process. This report is published to expose the conduct that occurred as it is in the public interest to do so.
35. The scope of this investigation report is not to assess the merits of the strategy of the QPS to strive to achieve gender equity in recruitment. That was a policy decision of the QPS and began as an attempt to assist in achieving the whole of Queensland Government gender equity strategy announced in 2015. It is beyond the CCC's role to comment on the validity or otherwise of the QPS's policy decision.
36. Similarly, it is beyond the scope of the CCC to enter into arguments about the suitability of the individual candidates who were appointed during the relevant period. Instead, the CCC has focused on the manner in which that policy was implemented, the corruption risks this has presented and the lessons to be learned from this experience. It is also important to note that following selection as a police recruit, a recruit then undertakes a rigorous training and assessment program at the QPS Academy before being sworn in as a police officer. Officers then undergo a further 12 months of on-the-job training and assessment before being confirmed as a police officer.



## 2 – Background

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### Complaint to the CCC

37. On 20 November 2019, the QPS notified the CCC of allegations against a senior QPS employee who had responsibility for, among other things, police recruitment (POI1).
38. POI1 had been on extended medical leave from the QPS and another employee was acting in that position.
39. On 17 October 2019, the Office of the Assistant Commissioner, People Capability Command (PCAP), QPS, asked for information on current recruiting strategies to target diversity, including details on how the QPS recruited to achieve a 50% female to male gender equity strategy.
40. While gathering and reviewing materials to provide the requested briefing, the person acting in POI1's position became concerned about practices used in the recruitment of police officers into the QPS and the way in which the recruiting practices were reported. That person formed a suspicion that the QPS Recruiting Office had employed discriminatory acts and had falsely reported to the QPS hierarchy, hiding the practices to avoid detection and scrutiny.

### The allegations

41. On 30 October 2019, the person acting in POI1's position briefed an Assistant Commissioner who, in turn, reported this to a Deputy Commissioner who, in turn, ensured reporting of the allegations to the CCC.

### The CCC's investigation

42. In January 2020, the CCC started investigating the allegations.
43. The CCC's investigation involved:
  - interviewing 43 people;
  - receiving written submissions and statements from 10 people;
  - examining 10 people in hearings; and
  - reviewing documents received from relevant entities, including the QPS and the Public Safety Business Agency (PSBA).
44. In March 2020, the CCC wrote to the QPS raising a number of issues identified in the investigation, and provided a number of interim recommendations so the QPS could take immediate action to address those issues.
45. As the investigation evolved, the alleged conduct fell into two main categories:
  - The QPS's use of discriminatory recruitment practices to achieve the 50% gender equity target; and
  - The deceptive reporting practices used mainly by staff in the QPS Recruiting Section.
46. The CCC has recommended disciplinary action in relation to some of the persons of interest.



### 3 – Allegation category 1 – Use of discriminatory practices

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#### History of QPS recruitment

47. Policing in Queensland has traditionally been a male-oriented occupation. In January 2016:
- females made up approximately 26.1% of QPS officers and recruits; and
  - female applicants made up around 30% of all applicants applying to join the QPS.
48. In the seven years prior to 2016, the proportion of recruits appointed, by gender, was:
- 72.12% (3,014) males; and
  - 27.88% (1,165) females.
49. The civilian component of the QPS workforce at that time was predominantly female.

#### Relevant legislative provisions

50. Police recruitment, much like recruitment in the broader Queensland public service, is governed by a number of legislative principles.
51. Section 5.2(2) of the *Police Service Administration Act 1990* (PSAA) provides:
- A decision to appoint a person as a police recruit or to a police officer position must be made by fair and equitable procedures that:
- (a) include inviting applications and selection on the basis of the merit of applicants; and
- (b) prevent unjust discrimination, whether in favour of or against a person.
52. Section 4.9 of the PSAA provides that the then Commissioner may provide directions which members are to comply with, subject to section 4.9(2), which states:
- a direction of the Commissioner is of no effect to the extent that it is inconsistent with this Act.*
53. The requirement to appoint based on merit is similar to the broader public service requirement in the *Public Service Act 2008* (PSA), articulated in section 27 which states:
- appointment as a public service employee must be based on merit alone (the merit principle).*
54. The PSA contains specific provisions relevant to the QPS to ensure equality of employment opportunity for target groups, which includes women (Chapter 2). However, section 30(3) provides: “To remove any doubt, it is declared that this section, does not require the taking of action incompatible with the merit principle”.





55. The *Anti-Discrimination Act 1991* (ADA) prohibits discrimination on the basis of attributes including sex, race and gender identity.<sup>14</sup> The ADA prohibits discrimination in a range of activities, including:<sup>15</sup>
- in the arrangements made for deciding who should be offered work;
  - in deciding who should be offered work; and
  - in failing to offer work.
56. Section 10 of the ADA defines direct discrimination and notes (at section 10(3)) “the person’s motive for discriminating is irrelevant”. There are exemptions for “genuine occupational requirements” in section 25, however these do not appear to be applicable in the QPS recruitment context. Applications for exemptions may be made to the Queensland Civil and Administrative Tribunal,<sup>16</sup> however as outlined later in this report, there is no evidence the QPS applied for any such exemption in relation to the recruitment of its applicants.

### Process of police recruitment – QPS Recruiting Section

57. Recruitment of sworn police officers is undertaken internally by the QPS through the QPS Recruiting Section. This section is managed by a Manager, Recruiting, a position which was held by POI2 since February 2014 and through the relevant period of the investigation, apart from periods of recreation leave and an extended period of sick leave from August 2017 to February 2018, after which POI2 returned to work on reduced hours until June 2018.
58. At the relevant times, the QPS Recruiting Section was comprised of four teams:
- Police/Integrity Team;
  - Applicant Case Management Unit;
  - Psychological Assessment Unit; and
  - Marketing Team.
59. The recruitment process used by the QPS Recruiting Section from 1 June 2012 to 1 July 2016 was known as the Recruit Entry Pathway (REP). This model was approved by the QPS Board of Management (BOM) on 30 March 2012 and included standards for cognitive ability, literacy standards and recruiting standards.
60. These standards reiterated the requirement to comply with relevant PSAA provisions and to use fair and equitable procedures, selection on merit and prevent unjust discrimination for or against a person in accordance with section 5.2 of the PSAA.

### March 2014 – QPS Recruiting Section moved to PSBA

61. In 2014, the PSBA was established to provide corporate support to Queensland’s public safety agencies, including the QPS and Queensland Fire and Emergency Services (QFES). In around March 2014, a number of QPS sections and their functions, including the QPS Recruiting Section and its workforce, were transitioned to the PSBA.
62. The QPS Recruiting Section operated within the PSBA organisational structure until the PSBA’s functions were transitioned back to the QPS on 1 July 2016.

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14 Section 7 ADA.

15 Section 14 ADA.

16 Section 113 ADA.

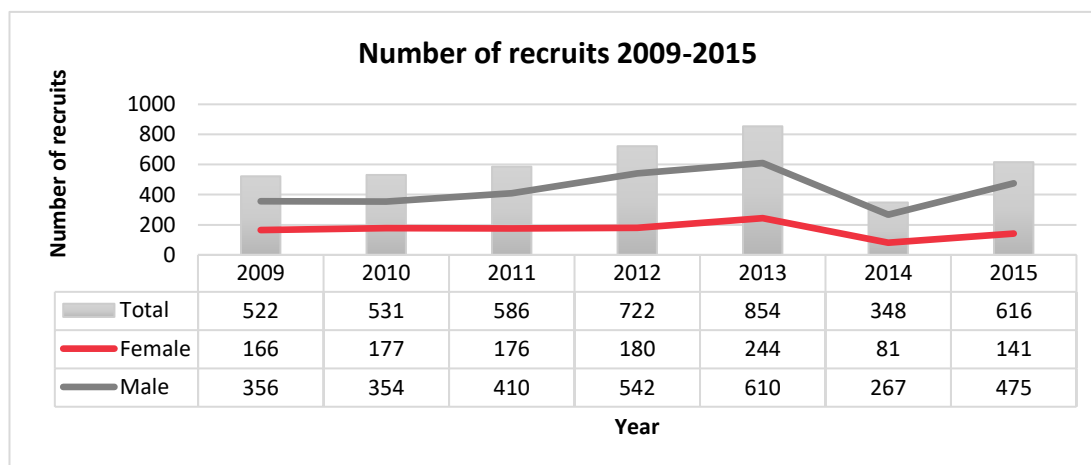


63. In February 2016, the state of police recruiting was summarised for the then Minister for Police, Fire and Emergency Services and Minister for Corrective Services. The summary included the following:
- The QPS was on track to meet the government election commitment to recruit an additional 1,100 police between July 2012 and 30 June 2016 (in addition to normal recruitment for attrition);
  - In the preceding two years, QPS recruiting received 4,739 applications and appointed 1,948 recruits; and
  - The QPS was actively working towards a greater representation of women in the service which had led to a recent increase in the number of women entering the academy.

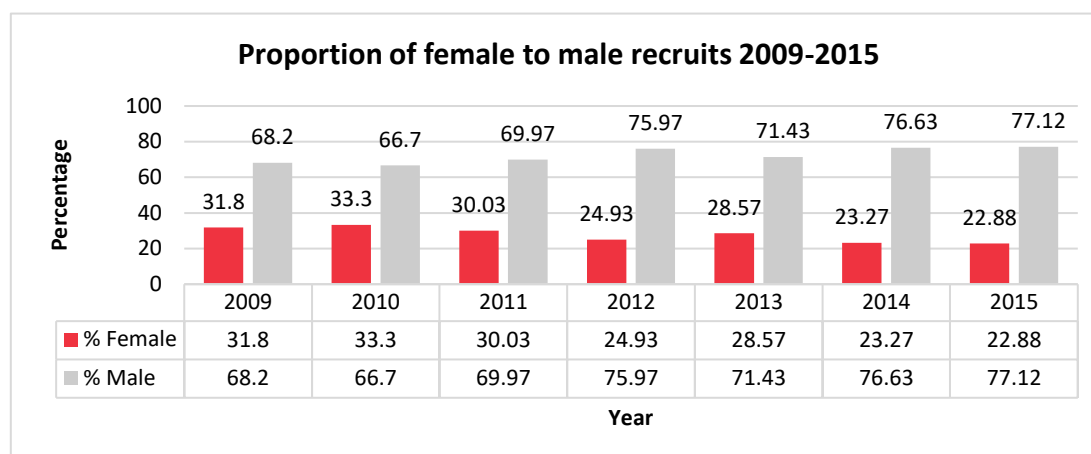
## Gender issues in policing – the gender mix

64. In 2015, greater focus on the proportion of females among sworn police officers became evident.
65. In June 2015, QPS data showed females comprised:
- 26% of sworn police overall;
  - 8% of commissioned officers; and
  - 30% of applicants attempting to join the QPS.
66. QPS data also showed that over the seven-year period from 2009 to 2015, of the 4,179 police recruits appointed, 72.12 % (3,014) were male and 27.88 % (1,165) were female. There was a general downward trend in the percentages of female recruits appointed, from 33.3% in 2010 to 22.88% in 2015 (see Figures 1 and 2).

**Figure 1 – Number of recruits 2009–2015**



**Figure 2 – Proportion of female to male recruits 2009–2015**



67. In July 2015, a QPS Executive Briefing Note (EBN) titled “Recruitment of females into the QPS and QFES” highlighted a number of key issues for the QPS, including:
  - Female participation in the recruitment process had remained constant at 25–30% throughout each of the 10 recruitment stages;
  - Fluctuations in the percentage of female academy graduates was influenced by the merit of the women in the suitability pool;
  - Recruit training positions were offered on merit, and determined by the capacity and ability of an applicant to perform the inherent operational requirements of a general duties police officer;
  - A marketing strategy was needed to attract more female applicants of a standard suitable to undergo recruit training; and
  - As a person’s capacity for operational policing was determined by the Police Entrance Exam, a broad strategy was proposed to raise community awareness of policing as a suitable career for women and encourage applications.
68. In August 2015, emails from senior staff in the QPS Recruiting Section highlighted the low proportion of females amongst potential recruits, raising concerns and proposed action to be taken, including marketing to attract women and concerns that too many females were being excluded on psychological grounds.
69. This close scrutiny of the proportion of potential female recruits continued to be reported in September and October with the proportions reported as 38.5% and 40% respectively.
70. Around the same time, other law enforcement, emergency services and military agencies across Australia were also considering gender issues and possible strategies to address gender equality issues, including:
  - Australian Defence Force (ADF);
  - Victoria Police;
  - Northern Territory Police;
  - Queensland Fire and Emergency Services (QFES);
  - South Australia Police; and
  - Australian Federal Police (AFP).



## **Mid 2015 – research commissioned on attraction and recruitment of females to the QPS**

71. In around mid-2015, the Chief Superintendent with oversight of the QPS Recruiting Section commissioned a sergeant to research female attraction and recruitment into the QPS, resulting in a report titled “Research report on female police – attraction and recruitment”.
72. The purpose of the report was to investigate the decrease in numbers of female recruits and determine what action could be taken in relation to the attraction and recruitment of females in the QPS. The report contained a number of recommendations aimed at attracting and retaining female applicants.
73. Evidence obtained by the CCC shows that while the report was submitted to the Chief Superintendent in December 2015, it does not appear to have been provided to the PSBA (that at the time was responsible for the management of the QPS Recruiting Section), the QPS Recruiting Section or the QPS Executive Leadership Team (ELT).
74. Despite the significant level of interest and action in relation to gender equity in other policing jurisdictions and related agencies, there is no evidence of any substantial consultation or consideration given by the QPS, the QPS Recruiting Section or the PSBA in relation to consultation, collaboration or drawing from the experience of other agencies in implementing QPS recruitment strategies.

## **August 2015 – Queensland Government Gender Equity Strategy: "50/50 on equal footing"**

75. In August 2015, the Queensland Public Service Commission published “50/50 on equal footing”, detailing the Queensland public sector gender equity strategy for 2015–2020. The strategy highlighted that women and men should have the same rights, access and opportunities in relation to, amongst other things, employment and career success.
76. Three areas of focus for organisations through which to improve gender balance were identified as being visible and vocal leadership, attraction and retention, and building capacity. Aspirational goals were also highlighted as important to drive cultural and organisational change over time. In relation to recruiting, it was highlighted that recruiters should be educated in the application of unbiased and inclusive recruitment processes that are implemented to attract and retain women, with this being monitored and tracked.
77. The strategies were designed to assist state government organisations to become workplaces of choice within the gender equity context and make traditionally male-oriented or female-oriented professions within the wider public sector equally attractive to men and women.
78. It is important to note that the strategy document did not include the notion of treating members of different genders differently to give them greater competitive advantage as a “target group” or preferring one gender over another in recruitment practices.



79. The document also highlighted facts around gender equity in the public service, including that over two-thirds of the Queensland public service were female and that some occupations were traditionally more male or female-dominated. The report noted, for example:
- QFES was 85% male, while the Anti-Discrimination Commission and Department of Education and Training were 80% female;
  - Occupations like firefighting and police were male-dominated, while teaching and nursing were very much female-dominated; and
  - While over 60% of sworn police were male, over 60% of the QPS civilian workforce were female.

## 23 November 2015 – Commissioner's letter for a 50% female recruitment strategy for the QPS

80. On 23 November 2015, the then Commissioner of Police sent the then CEO of PSBA the following letter:

23 November 2015

██████████  
Chief Executive Officer  
Public Safety Business Agency  
GPO Box 9879  
BRISBANE QLD 4001

Dear Mr ██████████ ██████████

**Subject: Strategies to Enhance Female Recruiting**

I acknowledge the significant efforts that have been made in giving effect to the government's election commitments concerning appointment of 1,100 extra police officers over a four year period. This is of course additional to those personnel who have left the organisation as general attrition.

I have been monitoring the recruitment situation over past years and have been keen to ensure that our strategies are such as to set the organisation up well for the future. One of the critical issues that we confront currently is a comparatively low number of women in positions within the Service and this is something that all of the Executive Leadership Team is concerned with. Our recruitment practices of the past impact our current situation and likewise, what we are doing today naturally has a future impact.

I understand that the proportion of female recruitment comparative to males is only 30% compared to 70% respectively. I regard this as unacceptably low and I subsequently request that the following be given immediate effect. I would ask you to immediately put in place strategies to select not less than 50% of females per intake. This should be implemented until reversed by me.

I would also require an immediate strategy be developed specifically focused on increasing the interest of females and their subsequent application desirous of a career in policing. I am minded that our previous strategies to recruit, such as "We don't do boring", were innovative and well received by the segment of the community we were targeting. We now need to be similarly focused on increasing the proportion of female applicants to the Queensland Police Service.

This is a matter of significance for the organisation and I would ask that the Public Safety Business Agency implement these initiatives as a matter of priority.

I would ask for a specific briefing at an opportune time regarding the progress of the recruitment strategy as previously outlined and I would appreciate quarterly reports on progress against my ambition of not less than 50% recruitment of females which should be given immediate effect.

Yours sincerely

██

IAN STEWART  
COMMISSIONER



## Aspiration or direction? – Early interpretations of the then Commissioner’s letter

81. The interpretation of the then Commissioner’s letter about the QPS 50/50 strategy is important. Was it a direction or an aspiration?
82. Evidence obtained during the CCC investigation is that prior to the letter and the announcement of the strategy, no-one from the PSBA or the QPS Recruiting Section had been consulted or asked to provide input into the letter. There was no prior feasibility study, no business case or legal advice sought. The letter has been described as a “surprise announcement” to the PSBA management and the staff of the QPS Recruiting Section.
83. The then Commissioner’s letter has been described as “ambiguous”. CCC investigators asked those who were interviewed about their interpretation of the letter and whether the letter represented:
  - (i) a clear direction that 50% female recruitment must be achieved; or
  - (ii) an aspirational goal for the QPS?
84. The answers provided to the CCC showed some thought it was a direction. Others thought it was merely an aspirational target. Generally, those in higher positions within the QPS hierarchy thought the letter stated an aspirational target, while those lower in ranks thought it to be a direction and something that must be achieved.
85. There was little further explanation from the then Commissioner or QPS management, and little was done by staff at lower levels to seek clarification of the then Commissioner’s purpose and intent.
86. Over five years later, in 2021, there are still differing opinions between staff and management of the QPS Recruiting Section and senior managers of the QPS about whether the then Commissioner’s letter was a statement of an aspiration or a direction.
87. It is clearly evident by the differing viewpoints on whether the then Commissioner had issued a “direction” or an “aspiration” that there have been significant failures of communication. Contributing factors to this include the ambiguous wording of the then Commissioner’s letter and an overriding lack of any consultation, clarification or effective communication between the QPS hierarchy, the PSBA and the QPS Recruiting Section to clarify the then Commissioner’s intentions.
88. Core contributing drivers to this lack of communication and consultation appear to be as a result of cultural and organisational issues within the QPS. The QPS (like other policing agencies) has a formal hierarchical rank structure in which the relative authority of members is determined by their rank or position in the organisation.
89. Under this structure, members of the QPS are well aware that more senior officers can provide lawful directions and instructions that staff are then lawfully required to comply with.<sup>17</sup> This is an important and legitimate requirement for the QPS to operate, particularly in relation to public safety and other high risk activities.
90. This requirement to comply does not apply if the direction is inconsistent with relevant legislation, such as the requirement for recruitment to be undertaken by fair and equitable procedures, based on the merit of applicants and preventing unjust discrimination.

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<sup>17</sup> In accordance with section 4.9 of the PSAA.





91. The evidence in this investigation clearly shows a perception amongst staff of the QPS Recruiting Section that the instructions from the then Commissioner, and other senior executives of the QPS, must be complied with and that dissent would not be accepted. In a similar manner the evidence indicates that POI2 (and later POI1) believed the instructions from the then Commissioner were a direction and managed their staff in a similar manner, requiring compliance and not welcoming constructive dissent. The then Commissioner denies that the instructions were a direction.<sup>18</sup>
92. When asked about the intention of his letter, the then Commissioner said it was always intended to be an aspirational goal:
- I think I've used the word aspiration, target, ... in discussions many times ... I think in my media interviews I used the word, I said it was aspirational at one stage. And that's what it was, it was an aspirational goal. Because we were well aware that this wasn't going to always be possible....*
- ... the idea was simply to make sure that within the available pool that we tried to ... manage a 50/50 proportion of male to female recruits entering ... the academy from the available people without ... doing anything to the standards. So part ... of that is also as you see later on was to try and increase the pool of women applicants.*
- ... my recollection would be that we used the current arrangements and standards to make sure that we simply adjusted the number of women coming into the organisation as who had applied, who had met the minimum standards and who could be trained as recruits. So that way we built up the recruit numbers but ... didn't do anything to impact the standards of the organisation.*
93. Correspondence from that time suggests the QPS Recruiting Section staff understood they had been directed by the then Commissioner to achieve no less than 50% women recruits per intake.
94. For example, in an email on 4 December 2015, a senior employee referred to the number of female applicants “required” to meet the then Commissioner’s determination.
95. On 10 December 2015, another senior employee in the QPS Recruitment Section (POI2) drafted a reply to the then Commissioner’s letter of 23 November 2015. It stated that achieving 50% female recruits was a “requirement” and that it was certainly attainable.
96. On 18 December 2015, POI2 instructed staff to implement 50% female recruitment for the intakes commencing March 2016 onwards.
97. On 11 January 2016, POI2 met with the then Commissioner. This meeting between POI2, a mid-level manager, and the then Commissioner — without the participation of other senior executives from the QPS and the PSBA — is unusual in a hierarchical organisation like the QPS. By not including other senior executives, the then Commissioner isolated the QPS Recruiting Section from the usual level of oversight, governance and decision making that may have identified the discriminatory practices before they were implemented, or asked the question about whether discrimination was being used to achieve the target. This represented the first significant departure from normal practice that created the environment in which the later discriminatory practices occurred.

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18 Submission of the then Commissioner, page 6.



98. POI2 told the CCC that during the meeting the then Commissioner made it clear that achieving 50% female recruitment was a requirement. The then Commissioner later expressed surprise at this conclusion, stating that did not accord with his memory and it was an “erroneous” view. He said: *“It was always an aspirational goal and ... I find it amazing if someone has misunderstood that.”*
99. The then Commissioner maintains his request to implement strategies to achieve 50% female recruits was always an “aspirational” target and it was not a direction. He points out that the QPS Recruiting Section staff at that time were subject to a separate reporting structure in the PSBA. He also denies that meeting individually with POI2 on 11 January 2016 was unusual or was a departure from normal practice.<sup>19</sup>
100. On the same day, a briefing from a senior employee in the PSBA Human Resources (HR) included details of a meeting with the then Commissioner in which the then Commissioner is alleged to have said he wanted the aspiration of 50% females “to be achieved by the end of the year (2016), or good inroads to achieving 50%”. The then Commissioner says nominating a goal with a ‘fall back position’ clearly shows the aspirational nature of the target.<sup>20</sup>
101. That senior PSBA HR employee confirmed the relay of the same information to others in the PSBA HR and the QPS Recruiting section, including that the strategy was an aspirational goal or target (rather than a hard-line direction), with advice to *“do your best, but don’t compromise standards”*.
102. POI1, POI2 and POI4, a staff member in the QPS Recruiting Section who led the Psychological Assessment Unit, all stated they were under no misunderstanding. Achieving the 50/50 strategy was a direction from the then Commissioner.

## **QFES sets target of 50% female recruitment**

103. On 23 November 2015, the same day as the then Commissioner’s letter to the CEO of the PSBA, QFES was also considering implementing an aspirational target of 50% female appointment to all future QFES recruit intakes.
104. The QFES ELT, including the then QFES Commissioner, determined that an evidence-based approach to the issue of attracting more female recruits was desirable. The QFES ELT requested an external review and research into recruiting attractors for female applicants and sought legal advice to determine the appropriate legal parameters within which to conduct their strategy.
105. At that stage, POI2 was significantly involved with QFES recruitment, as well as QPS recruitment.
106. On 7 January 2016, POI2 was provided with legal advice obtained by QFES in relation to its recruitment.
107. In addition to obtaining legal advice, QFES engaged the professional assistance of a research company who produced a research report into female recruitment and attraction to QFES. The report researched psychological and physical barriers and attractors to the job role and provided direct advice to QFES on strategies to improve female recruitment. POI2 received this report from QFES on 20 May 2016.
108. Ultimately, QFES decided not to implement a 50% female recruitment target.

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<sup>19</sup> Submission of the then Commissioner, page 6.

<sup>20</sup> Submission of the then Commissioner, page 7.





## **Comparison of QPS and QFES approaches to gender equity strategy**

- 109. The CCC investigation has established that the QPS did not seek or obtain legal advice to inform it in progressing the gender equity strategy. This is despite it being clearly evident that the same legal issues and recommendations that applied to QFES recruitment would apply equally to QPS recruitment.
- 110. No plausible and reasonable explanation has been provided to the CCC as to why those involved in QPS recruitment, and who were responsible for implementing the QPS gender equity strategy, failed to take any action to address the issues or recommendations identified as part of the QFES assessments and apply this in relation to QPS recruiting.
- 111. When asked about this by the CCC, POI2 said they believed any such consideration of legal and other issues should have been undertaken within the QPS hierarchy prior to the then Commissioner's letter of 23 November 2015 being forwarded to the PSBA.
- 112. The then Commissioner maintains he reasonably expected any legal advice would be obtained by the PSBA and the QPS Recruitment Section.<sup>21</sup>
- 113. POI1 states they were not aware that the QPS had not obtained legal advice, never knew or suspected there was anything unlawful about the instruction, never had reason to seek legal advice and trusted that the QPS attended to that before embarking on a public program that was launched by the then Commissioner in the media in February 2016, four months after his initial announcement and four months before POI1 commenced in the role.

## **25 January 2016 – Commissioner publicly announces gender equity initiative**

- 114. On 25 January 2016, the then Commissioner publicly spoke about the initiative at a press conference, stating standards would not be reduced. The QPS Recruiting Section, the PSBA and the QPS then provided consistent public messaging that achieving 50% females in each recruit intake was an "aspiration" and standards would not be lowered to achieve this target.
- 115. In contrast, staff within the QPS Recruiting Section told the CCC that their managers, including POI2 and another senior employee had, prior to the then Commissioner's announcement, repeatedly reiterated the 50% female intake goal was not "aspirational", but was a requirement and a direction from the then Commissioner.

## **PSBA replies to Commissioner's letter but crucial information deleted**

- 116. On 2 February 2016, the CEO of the PSBA replied to the then Commissioner's letter. The CEO acknowledged the goal of not less than 50% female recruitment was aspirational, stating merit principles (PSAA) must be maintained. The CEO's letter outlined proposals that could be used to improve recruiting processes.

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<sup>21</sup> Submission of the then Commissioner, page 7.



117. The reply from the PSBA:

- acknowledged the ambition of not less than 50% recruitment of females was aspirational;
- stated that achieving the target of no less than 50% female recruits was “*considered to be highly attainable*”; and
- recommended some changes to the recruitment process, including replacing the continuous applicant pool approach with a campaign-based strategy for selection of QPS recruits.

118. A draft reply had been prepared by POI2, and included the following paragraphs:

The requirement to deliver no less than 50% female applicants will, however, require an acceptance by the Service that some female recruits will meet only those minimum standards in respect to cognitive, physical and psychological standards. Whilst this does not necessitate any amendment to those standards, it is noted that it has been possible to maintain a higher standard of merit in delivering intakes of around 30% females. This has been reflected in the lower attrition from the Academy (around 4%), and reduced rates of injury during training.

For the January 2016 intakes, females appointed as recruits have achieved a minimum rating of 'B' (the standard required for induction) in respect to the 'beep' test. The delivery of intakes with no less than 50% female representation will necessitate acceptance of the previously approved 'C' (or 'recruit') standard. This may have an impact upon injury and 'pass' rates for those recruits completing the physical assessment at the Academy.

Similarly, the current psychological standard excludes all applicants who present a high or medium risk. The delivery of intakes with no less than 50% female representation will necessitate acceptance of female applicants who are assessed as a 'medium risk' in respect to psychological suitability. This may present a future organisational risk.

The selection of male recruits, having regard to a high representation of male applicants, but with lower recruit appointments and 50% female representation, will be highly competitive. This may also lead to an increase in reviews by meritorious male applicants who have not been successful in being offered appointment as a recruit. Currently, this cannot be effectively managed in the 'continuous' process, however the 'campaign' based approach does ensure that only the most competitive applicants proceed through the process.

119. Those warnings alluded to the obvious: achieving 50% female recruitment when females only made up 30% of the suitable pool of candidates meant selecting females who were less meritorious than some of the men in the pool.
120. Those warnings were deleted from the final letter to the then Commissioner. Evidence obtained by the CCC is that a senior PSBA employee (POI3) deleted those paragraphs. The CCC makes no criticism of the CEO of the PSBA.
121. When asked why the detail of how the proposed strategy was to be implemented (including accepting minimum standards, higher risks and warning of the possible consequences) was not forwarded to the then Commissioner, POI3 stated they would not have provided advice to the then Commissioner to implement strategies that they knew would breach legislation and policy.
122. POI2 claims POI3 never advised staff not to implement those strategies, or that they were potentially discriminatory and illegal.
123. POI2 maintains POI3 did not advise QPS Recruiting Section staff of the changes to the draft letter, and POI3 did not advise QPS Recruiting Section staff not to implement the strategies. POI3 denies this and states POI2 was consulted about the changes to the document.



124. When interviewed about the draft letter, a senior employee said about those warnings:

*I had discussions with (POI3)... that's a really hard target, when you don't have the applicant pool that is of the standard to get them into the Academy;*

*(We) were raising ... our concerns at the time ... particularly around the psych assessments;*

*We were trying to find the process in which we weren't compromising on the standards that were set;*

*You would normally do it on merit, working your way down the list, of people above the line. But, if you had to have the number of females, you were then taking females who were above the line, but there would be higher merit males that would miss out;*

*What we wanted to do was ensure that we were saying we didn't want to lower the standard, but if the organisation wants to take those risks, the organisation carries those risks;*

*All I know is that in my discussions with (POI3) it was that you should include them, those warnings should be there;*

*You should always brief up, if there any risks, then they should always be highlighted so whoever makes the final decision, makes an informed decision; and*

*You would always put up options and highlight risks so if you've got the delegation to make a decision, like a deputy or a commissioner, then you make that decision with full knowledge that that's the risks that it carries.*

125. POI2 stated the 50% female recruitment target was pursued using strategies they outlined in the draft letter, however, they claim they were unaware the strategies and the warnings had been deleted from the final letter to the then Commissioner.
126. POI1 states they did not commence in the role relevant to police recruiting until around six months later, by which time some strategies had already been implemented.
127. The CCC's investigation found this to be a critical decision: to advise the then Commissioner that the 50% female target was "highly attainable", but without advising the then Commissioner that in order to achieve that target, discriminatory practices were being proposed.
128. The CCC interviewed a number of QPS staff members who were not directly involved in the recruitment, including senior members of the QPS. Most of those people say they recognised the strategies proposed and ultimately implemented were discriminatory and wrong.
129. Most of the senior members of the QPS interviewed by the CCC stated that, had they been aware of the proposed discriminatory practices or the advice in POI2's draft letter, they would not have followed through with 50% female recruitment in the format it was undertaken.
130. The exception was the then Commissioner who stated he understood that in order to achieve the 50% target and to achieve greater diversity, some more meritorious male candidates would miss out on recruitment. He stated he was comfortable with that, so long as those candidates selected met the minimum standards for recruits.



## Initial implementation

131. Prior to June 2016, the QPS employed a continuous recruitment process that allowed applicants to apply at any time. After submitting an initial expression of interest, applicants undertook integrity checks, a medical clearance and an entrance exam. If suitable at this stage, they were deemed “applicants” and progressed through panel interviews, physical assessments and, if suitable, were added to the “suitable applicant” pool.
132. For each intake of recruits, the most meritorious applicants were then drawn from the applicant pool.
133. As the majority of applications received were traditionally from males, following merit principles, the suitable applicant pool and subsequently successful police recruits were predominantly male (hence the historical 70% male, 30% female proportions).
134. To achieve 50% female recruiting in early 2016, QPS Recruiting Section staff were required to disregard the merit principle and instead prioritised achieving 50% female appointments when selecting recruits from the suitable applicant pool.
135. In early January 2016, recruit intakes commenced at the Brisbane and Townsville Police Academies. Due to the lead time between the selection of recruits and the commencement of training, these courses were selected prior to the implementation of 50% female recruitment (with recruits selected on merit). Of the 105 recruits appointed, 33 were female (approximately 31%).
136. Following the instruction from POI2 in December 2015 to recruiting staff to ensure that at least 50% of recruits selected for all future intakes were female, evidence shows that from the next intake in March 2016, recruits were selected to achieve 50% female appointment. Over the first half of 2016, this was done in line with the proposal that any female who met minimum standards in the physical and cognitive assessments, even if she had a heightened psychological risk profile, could (and would) be offered appointment.
137. The selection processes undertaken essentially consisted of the following steps:
  - Not selecting the most meritorious applicants;
  - Instead, prioritising selection of the required number of female applicants to achieve 50%;
  - Selecting females who met minimum cognitive and physical standards, whether or not they had higher psychological risk profiles; and
  - Last of all, selecting the most meritorious males to fill the remaining available positions.
138. On 7 March 2016, the first “50% female” intake commenced at the QPS Academy (QPSA) at Oxley, coinciding with Queensland Women’s Week and International Women’s Day. The following day, a one-week media campaign titled “That could be me”, designed to attract female applicants, commenced and a press conference was held with the then Commissioner and the Minister for Police, highlighting the success of the “aspiration” to achieve 50% female recruitment.



## Running out of female candidates

139. Despite the public messaging heralding the success of the aspirational 50% female recruitment target, concerns were raised by staff within the QPS Recruiting Section that they were already running short of suitable female applicants, even though they were accepting minimum standards and higher psychological risks. Emails obtained by the CCC showed the following:
- In February 2016, a QPS Recruiting Section staff member highlighted there were only a total of 163 females in the applicant pool, with 160 required to be appointed that year;
  - In March 2016, QPS Recruiting Section staff were following up female applicants for appointment, not only as they passed assessments and were deemed suitable, but also female applicants who were yet to pass the psychological and/or physical assessments, as they were running short of females;
  - In March 2016, a QPS Recruiting Section staff member said in an email *"we are running short of women"* and later *"Running at 30% ish acceptance rate – we are soooooo scr\*\*ed"* (because the lack of women applicants and suitable women in the applicant pool meant the 50% target was becoming unachievable);
  - In April 2016, POI2 approved QPS Recruiting Section staff making offers to female applicants who had not yet passed elements of the physical testing, or for whom current employer checks had not been conducted. QPS Recruiting Section staff discussed how upcoming intake numbers included females who had not completed their assessments. This was done due to concerns over an *"absolute lack of women for Sept and Nov"* intakes and the desperation of QPS Recruiting Section staff to meet the 50% target;
  - In May 2016, POI2 directly contacted and pressured the assessing occupational psychologists in relation to 20 female applicants for whom psychological suitability had not been yet determined, acknowledging that while this was not best practice, meeting the 50% female target was critical; and
  - In June 2016, a QPS Recruiting Section staff member provided the list of names for the upcoming intake, which included females who had not completed the psychological, physical and, in some cases, interview assessments.
140. In the weeks, months and years following, a consistent pattern emerged of QPS Recruiting Section staff expressing concerns about insufficient suitable female applicants, and significant pressure being placed on the QPS Recruiting Section to ensure female applicants progressed through the recruitment process.

## Lack of interest in male candidates

141. In contrast to the apparent desperation and lowering of standards to appoint female recruits, the evidence demonstrates an oversupply of meritorious male applicants who had completed all assessments, but were not being selected, and consideration being given by staff in the QPS Recruiting Section as to how to manage this, including the following:
- Meritorious male applicants being deemed *"non-competitive"* and not being appointed due to the selection of less meritorious females;
  - Considering whether to discontinue conducting cognitive testing for male applicants so *"time will not be spent on preparing material and running sessions on male applicants that will not be considered for the intake"*;



- In May 2016, when it appeared the number of participants for the July intake was to be reduced, QPS Recruiting Section staff discussed removing meritorious males who had already been offered and accepted positions, and replacing them with females who had not even been deemed suitable yet, to ensure the smaller intake remained at least 50% female; and
- In June 2016, QPS Recruiting Section staff discussed “frightening projections” of how few non-target group (i.e. Caucasian) males would be appointed in future intakes, and suggested that only males with higher physical and cognitive assessment standards would even need to be considered.

## **One-week marketing campaign to increase female recruitment**

142. During the week in March 2016, when the “That could be me” campaign was running, the proportion of females expressing interest in joining the QPS increased from approximately 30% to 40% however this figure quickly returned to its long-term average of around 30%.
143. When interviewed, QPS Recruiting Section staff stated to CCC investigators that achieving 50% female recruits from 30% of applicants would not meet merit principles and the standard of recruits would fall. They described expecting to achieve the 50% female recruit target without those consequences as failing a “grade 4 maths test”. The QPS Recruiting Section staff said the merit principle and standards would be impacted, and that senior people in the organisation must have been aware of that.
144. Despite this, there is no evidence of any significant efforts made by the QPS Recruiting Section, the QPS or the PSBA to attract more female applicants after the week-long “That could be me” campaign.
145. In 2017, the position responsible for marketing to attract more female applicants was moved out of the QPS Recruiting Section. The position was then left vacant and the funds were ultimately diverted elsewhere.

## **QPS Recruitment Section moved from PSBA; adoption of a new recruiting model**

146. On 1 July 2016, the QPS Recruiting Section transitioned from the PSBA back to the QPS. Around the same time, POI1 began a new role and became POI2’s direct supervisor and manager.
147. On 4 July 2016, the QPS Recruiting Section moved away from the continuous applicant pool, and commenced a “campaign” model, in which each applicant would apply online. They would then be assigned to the next available campaign, which involved a cohort of applicants progressing through a 12-week selection process, with defined start and finish dates. A new campaign would commence approximately every three months.





148. During the campaign, after each assessment, only the most meritorious would progress to the next assessment. The assessments were:
- an online cognitive assessment (Wonderlic);
  - an in-person test of reasoning ability (TORA);
  - the Applied Policing Skills Assessment Day (APSAD) (physical assessment);
  - a panel interview;
  - a psychological assessment;
  - medical clearance; and
  - integrity checks.
149. The successful applicants would then be assigned to the next available intake to the Academy. Under this recruiting model, re-testing was not allowed and any applicant deemed unsuitable was unable to reapply for 12 months.
150. While the campaign model was reported to be designed to ensure only the most meritorious applicants progressed and were selected, from its initial implementation, a strategy was used where virtually any applicant who identified as female (and later Indigenous and/or culturally and linguistically diverse [CALD]) would progress if they met minimum standards. Generally, male applicants would only progress if they exceeded artificially high cut-off scores.
151. During the transition period, a similar process was also applied to remaining applicants from the old process.
152. QPS Recruiting Section staff admitted these differing standards were implemented by QPS Recruiting Section staff with approval from their managers to reduce workloads on QPS Recruiting Section staff and simplify achieving 50% female recruits.
153. The manner in which the standards were adjusted for male and female applicants is summarised below.

## Assessment tests

### Cognitive testing (Wonderlic)

154. Wonderlic is an American-based company that, since the 1930s, has provided the Wonderlic Cognitive Assessment (WPT) that has been widely used in recruitment processes by organisations throughout the world. The QPS has used Wonderlic Cognitive Testing for many years.
155. Under the campaign model, an eight minute online version of the Wonderlic Cognitive Test, designated WPT-Q, was used. The minimum pass mark for the test was set at 22, which equates to approximately the 50th percentile of applicants.
156. In order to reduce the number of male applicants who progressed, a separate and higher cut-off was applied to Caucasian males. The mark varied between campaigns, but was generally between 26 and 28, which equates to between approximately the 80th to 90th percentile.



157. In effect, any applicant who was identified as female (or Indigenous and/or CALD) progressed at around the 50th percentile, but non-target group males required around the 80th to 90th percentile to progress.
158. QPS Recruiting Section staff stated the designation of a higher cut-off was to reduce the number of Caucasian male applicants in an attempt to re-balance the pool of applicants closer to the 50/50 gender proportions.
159. Over the ensuing 18 months, approximately 1,500 females met minimum standards and progressed, and approximately 1,500 males met a higher progression mark and progressed. Approximately 1,700 males who had scored higher than the minimum required pass mark for females did not progress.
160. This practice ended in around January 2018 while POI2 was on leave and another person relieved in POI2's position. When that person discovered the practice, they identified its unfairness, and instructed staff that any applicant (regardless of gender) who met the minimum standards should be progressed.

### **Test Of Reasoning Ability (TORA)**

161. Applicants who passed the required Wonderlic cognitive assessment test were then invited to attend and complete the in-person, supervised Australian Council for Education Research (ACER) TORA.
162. In 2012, the BOM had approved the minimum required pass mark for the ACER TORA in the QPS recruit assessment process to be 27, which equates to the 27th percentile.
163. There was, however, an additional requirement that the mean score across both Wonderlic and TORA had to be equal to or exceed the 40th percentile. It is important to note that this was only the minimum score to progress in the process, with only the most meritorious ultimately selected for appointment. The score for the ACER TORA has not been examined, considered or changed by the QPS Board of Management since that date.
164. As with the Wonderlic Cognitive Test, in order to reduce the number of suitable male applicants who progressed, a separate and higher cut-off was applied to male applicants.
165. Commencing from 1 July 2016, the minimum pass mark for women and target group applicants appeared to vary between 30 and 33, which equated to approximately the 36th to 46th percentile. To reduce the number of suitable males to around 50% in each campaign, a higher cut-off was applied for males, which varied between campaigns but was generally 46 or 47, equating to approximately the 84th to 86th percentile.
166. In August 2017, a shortage of suitable female applicants was identified by QPS Recruiting Section staff, which was reported to POI2. As a result, the minimum pass mark for females was reduced to 28, which is approximately the 30th percentile. This was retrospectively applied to past applicants as far back as October 2016. This meant applicants who had scored between 28 and 32 and had previously been deemed unsuitable, and who had been advised of this and removed from the selection process, were then invited to progress. Emails from the time suggest this decision was approved by POI1, in consultation with QPS Recruiting Section staff.





167. In effect, during this period, a female applicant could progress if they achieved around the 30th percentile on the TORA (even if they had previously been deemed unsuitable and removed from the selection process), but male applicants were required to achieve around the 84th to 86th percentile to progress. As outlined previously, this practice was ended in around January 2018 when it was discovered by the person acting in POI2's role.

### **Applied Policing Skills Assessment Day (APSAD)**

168. APSAD comprised supervised physical tests including a beep test, push-ups, bridge and hang test. All assessments had to be passed, with the beep test also containing a rating system including A, B and C ratings. The QPS had advertised, and made public, the physical test requirements of the APSAD testing on its recruiting website. Prior to the implementation of the 50/50 gender equity strategy, when selecting only the most meritorious applicant, they generally required a B rating on the beep test to progress.
169. In order to achieve 50% female recruits, female applicants were offered a number of concessions, including lowering the beep test from a B to a C rating, and allowing re-testing, sometimes by an applicant's own personal trainer rather than by QPS Recruiting Section staff.
170. The evidence shows in mid to late 2017, when it appeared QPS Recruiting Section staff would be unable to achieve 50% female applicants, POI1 asked why the APSAD standards were strictly applied as it was the easiest thing to change to allow more female applicants to pass. A meeting was subsequently held between POI1, POI4 and another officer where it was decided to progress seven female applicants who had failed to meet minimum standards in the APSAD assessment. These applicants should have been removed from the process and were required to wait 12 months before reapplying, but were instead progressed to assist QPS Recruitment Section to achieve 50% females for the upcoming intakes.

### **Psychological assessment**

171. Psychological assessment of applicants was conducted by internal staff members of the Psychological Assessment Unit led by POI4, which was within the QPS Recruiting Section, with recommendations made to POI2, who was the decision-maker on suitability. Applicants completed a written screening test to assess for potential psychological concerns. If an applicant's test revealed elevated psychological issues, a face-to-face interview would be scheduled with the applicant to explore the issues and determine if the persons did in fact present with elevated concerns.
172. Applicants were then rated as low, medium or high risk, based upon psychological testing. Prior to the commencement of the 50/50 gender equity strategy, applicants generally only progressed if they were identified as low risk.



173. The CCC's investigation shows that senior staff members within the QPS Recruiting Section were acutely aware of the risks and possible consequences of not maintaining appropriate standards in psychological assessment of applicants. Evidence for this included:
- Their concerns being expressed about the practices of senior employees at the QPS Recruiting Section who allowed some applicants through with identified higher risks and the possible resultant consequences;
  - The warning in the draft reply in December 2015 to the then Commissioner that to achieve 50% female recruit appointment, a higher risk threshold would be required, which could present a future organisational risk for the QPS. This advice however was ultimately removed from the final letter;
  - QPS records and emails from that time indicate QPS Recruiting Section staff were professionally against these practices and considered it was too great a risk for the organisation to accept; and
  - Discussion of a past applicant who was assessed as unsuitable, which was overruled, and within two years the officer was totally incapacitated for work on psychological grounds.
174. Despite those concerns, in order to achieve 50% female recruits, QPS Recruiting Section considered female applicants assessed as "medium" and "high" risk, progressed some female applicants who were identified as "medium" risk and felt pressure to fast-track the psychological assessment of female applicants.
175. In the second half of 2016, a Human Services Officer at the QPS Academy, a practising psychologist within the organisation responsible for employee welfare, reported to the QPS Recruiting Section a higher volume of recruits experiencing psychological distress and that a number of females had indicated they were going to "drop out" as they were unable to cope with the stressors of the Academy experience. In response, POI4 conceded some applicants who were less than ideal were pushed across the line to get them in and there were a number they thought would struggle.
176. POI4 later sent an email to POI2 stating *"Looks like the ... girls had the issues we anticipated. The system works!"* When interviewed about this email, POI4 stated this comment was made cynically to point out that, as expected, in accepting a larger number of applicants identified as having a higher psychological risk, at a group level there would be higher risk of future psychological issues.
177. On one occasion due to a shortage of suitable female applicants, POI4 retrospectively reviewed 26 female applicants previously not shortlisted due to their risk assessment and deemed five of these suitable to progress, including two who had previously been assessed as high risk. POI1 approved the progression of these five applicants, knowing they had not previously been shortlisted due to their risk assessment. POI4 stated that process would not have happened without the pressure to achieve the 50% gender equity target.
178. Despite being clearly aware of the risks, applicants deemed a higher psychological risk were approved to progress in order to achieve the 50% gender equity target.



## Late 2017 – 50% female recruitment achieved despite the costs

179. As a result of the decisions made in late 2017 to lower or remove standards and/or accept applicants previously deemed unsuitable across physical, cognitive and psychological assessments, the QPS succeeded in appointing 50% females to the November 2017 and January 2018 intakes.
180. On achieving the 50% target, the QPS Recruiting Section still had an insufficient number of female applicants progressing for appointment.
181. On 23 October 2017, POI1 emailed an Assistant Commissioner advising that recruiting had achieved the 50% gender equity target. The Assistant Commissioner, while congratulatory, noted an earlier EBN in August 2017 that advised achieving the 50% was not likely to occur. The Assistant Commissioner requested an updated EBN to advise the other Deputies and the then Commissioner.
182. In late October 2017, a person acting in POI2's position was requested to complete the updated EBN as requested by an Assistant Commissioner. After seeking information from POI4, the person relieving in POI2's position stated:

*Despite the problems identified, the 50% target was achieved with 42 females out of 84 to commence in the ... intake. This was achieved by reviewing female applicants from previous campaigns who achieved suitable merit based benchmark [sic] and were still competitive. Discussion also took place with Recruit Training in both Brisbane and Townsville to ascertain readiness for recruit commencement.*

183. This was misleading as it failed to properly disclose the 50% female ratio was achieved by lowering or disregarding standards and progressing female applicants previously deemed unsuitable on physical, psychological and cognitive assessments.
184. When interviewed, the reliever said the unfairness of the recruitment processes was immediately recognisable. That person decided to end the discriminatory practices and that all persons of both genders would be treated the same in assessments.
185. POI1 states that when the reliever advised them of the discriminatory practices, POI1 immediately ceased those practices.

## Direct discrimination ceases and prioritising female appointment commences

186. At around the same time, POI1 advised QPS Recruiting Section staff that the then Commissioner had agreed that as long as 50% of initial offers were made to females, it would be sufficient. If a female applicant declined, the offer could be made to a male applicant.



187. The QPS Recruiting Section also changed practices in early 2018 so the same minimum standards were used for all applicants. From January 2018, the QPS Recruiting Section continued to report 50% of offers were made to females, however in reality in 2018 only 45% of recruits were female and in 2019 this decreased to 30% as the pool of suitable female applicants continued to get smaller.

188. In a handover document from the person relieving in POI2's position to POI2 in January 2018, it was stated:

*Executive advice ... is that we should continue to aspire to the 50/50 target but we are not to drop our standards. To ensure the shortlisted applicant pool is sufficient we also shortlist now both female/males from 22 and above for their Wonderlic. This means more supervised testing and has its challenges with resourcing at Recruiting. It also ensures we don't discriminate against males at this early stage and also don't miss out on worthy male applicants.*

189. From early 2018 onwards, with the removal of the discriminatory assessment practices, the significantly higher proportion of male applicants translated to significantly higher numbers of males (compared to females) being deemed suitable.

190. However, the desire to achieve 50% of offers to female applicants resulted in a situation similar to what had been occurring in the first half of 2016. In effect, this meant that any female who met minimum standards would be offered appointment whilst the larger cohort of male applicants meant there were significantly more meritorious males than positions available to them.

191. This meant that, for each campaign, while females would be appointed in a prioritised manner to a recruit intake, there would be a large pool of meritorious males not offered appointment and who would then have to wait for later intakes. As each additional recruiting campaign progressed, this had a compounding effect, with larger and larger pools of suitable males waiting longer and longer for appointment to a recruit intake. Significant delays were encountered by male applicants between assessment and commencement at the Academy.

192. In November 2018, the ratio of suitable female applicants had fallen to 13%, with predictions that suitable male applicants would be waiting over a year for appointment.

193. By the first half of 2020, as a result of the large number of excess males deemed suitable for appointment to the QPS Academy remaining within the merit pool and the lack of females, the QPS had only achieved 16% of females within recruit intakes between January and June 2020.



## Recruits by gender – Statistics

194. The data below, provided by the QPS, show the number of recruits appointed to the QPS for every recruit intake between January 2009 and June 2020, as well as the proportion of female to male recruits. This shows the overall decline in the number of female recruits from 2009 to 2015, the artificial increase from 2016 to 2018 and the correction in 2019 to 2020 as a result.

**Table 1 – Recruit intakes 2009–2020**

Year intake commenced	Number of recruits appointed	Number of female recruits	Percentage of female recruits
2009	522	166	31.8 %
2010	531	177	33.3 %
2011	586	176	30.03 %
2012	722	180	24.93 %
2013	854	244	28.57 %
2014	348	81	23.27 %
2015	616	141	22.88 %
2016*	420	196	46.66 %
2017*	384	193	50.26 %
2018*	427	189	44.26 %
2019	470	140	29.79 %
2020 (January to June)	470	76	16.17%
<b>Total</b>	<b>6350</b>	<b>1959</b>	<b>30.85 %</b>

(\*The years 2016 – 2018 were the years in which the discriminatory practices were used.)



## 4 – Allegation category 2 – Deceptive reporting practices

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### Background

195. Evidence obtained by the CCC shows that the discriminatory practices used to achieve 50% female recruitment were common knowledge among staff and management in the QPS Recruiting Section.
196. The CCC investigation showed that staff members outside the QPS Recruiting Section were generally not aware that merit principles were not being followed, or that discriminatory practices were being used.
197. Senior QPS members interviewed by the CCC consistently expressed shock when told about the discriminatory practices used to achieve the 50% target. The senior QPS members (with the exception of the then Commissioner) all consistently stated they would have stopped the discriminatory practices had they known what was happening.
198. In CCC interviews and hearings, staff members and managers of the QPS Recruiting Section consistently claimed the reason they implemented the discriminatory practices to achieve 50% female recruitment was because they had been directed by the then Commissioner to achieve it. They have said the discriminatory practices adopted were not a secret, discrimination was necessary to achieve the 50% target and those practices were, or should have been, in the contemplation of the then Commissioner and other QPS executives.
199. Staff members and managers within the QPS Recruiting Section state because they believed they were acting in compliance with a direction from the then Commissioner and considered what was occurring was lawful, they did not conceal the practices or intend to mislead others about the practices. They state there was no incentive for them to mislead others.
200. However, the CCC obtained significant evidence that objectively shows those staff members consistently used misleading and vague statements as well as deficient, inaccurate, misleading and false reporting to a range of people, including:
  - unsuccessful applicants seeking feedback, submitting complaints or seeking information under Right To Information (RTI) legislation;
  - the QPS Senior Executive;
  - the QPS BOM and ELT in presentations and EBNs;
  - QPS staff through the internal “icop” forum;
  - the Minister’s office through ministerial briefings and correspondence;
  - the media, in the form of replies to questions and RTI requests; and
  - other agencies including the Queensland Police Union of Employees (QPUE) and the Queensland Audit Office (QAO).



## Applicant feedback and complaints

201. In August 1998, the Police Education Advisory Council (incorporating the QPS and the then Criminal Justice Commission) published a review of recruitment and selection for the QPS.<sup>22</sup> A recommendation of the report was that all unsuccessful applicants should be advised in writing, given an opportunity to seek feedback on why they were unsuccessful and steps they can take to improve their prospects for success, and advised of the procedure to reapply.
202. Despite this, from 2016 staff in the QPS Recruiting Section adopted a practice of not providing feedback to unsuccessful applicants. The evidence shows this was a deliberate strategy to avoid having to give feedback to mostly unsuccessful male applicants.
203. In November 2016, PO12 emailed all recruiting staff reinforcing the requirement that “For applicants, they are advised that WE DO NOT PROVIDE FEEDBACK”. This was to “protect us all from potential issues” including those arising from unsuccessful applicants calling multiple times “essentially ringing back to try and get a different response”.
204. Standardised emails were developed for automatic reply to applicants not shortlisted. For unsuccessful, non-target group males, an objective examination of the evidence shows the emails were misleading. It is difficult to avoid the conclusion that this was done to make applicants believe that, rather than having been discriminated against, they had not met minimum standards. At the same time, the QPS Recruiting Section refused to provide their actual assessment results.
205. The CCC believes versions of this email were sent to approximately 1,708 males actively discriminated against as part of the campaign model process, and possibly more – an unknown number of applicants from the previous recruitment model who had previously passed the Wonderlic assessment and progressed, but were then retrospectively deemed to be “non-competitive”, were also sent versions of the email.
206. The email to male applicants who passed the Wonderlic Cognitive Assessment, but were excluded due to the discriminatory progression scores, contained content apparently designed to mislead them. This included content such as:
  - “Your results DO NOT meet the current QPS operational recruitment requirements”;
  - “... the selection process is highly competitive, which means you will not be further progressed”;
  - “Personal feedback and/or results will not be provided due to the high number of applicants, contractual obligations and integrity of the testing”;
  - Several paragraphs extolling the virtues of the Wonderlic quick test (WPT-Q) test as follows:
    - It assesses knowledge, problem solving and capacity to learn under time pressure, an inherent requirement of the police officer role;
    - As the assessment is administered to thousands and through comparing results valid and reliable comparison of cognitive ability is determined; and
    - Cognitive testing is considered the biggest single predictor of job performance and the usage is standard industry wide.

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22 *Police for the Future: Review of Recruitment and Selection for the Queensland Police Service*, Police Education Advisory Council, August 1998.



- “The minimum requirements for the WPT-Q assessment have been determined by Wonderlic to specifically reflect the operational requirements of the role of Police Officer”.
207. One vague, misleading phrase commonly used by the QPS Recruiting Section staff in correspondence and briefing notes was “operational recruitment requirements” (or similar variations). This phrase was implemented by PO12 to assist in replying to complaints from unsuccessful applicants.
208. The phrase implies that, due to extremely high numbers of applicants, low numbers of positions and “operational recruitment requirements” of the QPS, after a rigorous merit-based process only the most meritorious applicants would be appointed. However, in reality the terminology used obscured the use of discriminatory practices by the QPS Recruiting Section to meet gender and diversity targets.
209. The email to male applicants who passed the ACER TORA, but were excluded due to the discriminatory progression score, contained content apparently designed to mislead, including:
- “The selection process is highly competitive and this determination has been made in accordance with operational recruitment requirements”;
  - “Feedback will not be given for any application assessment”; and
  - “Reviews of application assessments will not be conducted for any reason”.
210. The CCC has seen a number of examples of individual male applicants who had scored above the minimum score on their cognitive assessment but were not shortlisted due to the discriminatory practices in place. Those applicants were sent the standard email advising that the process was highly competitive, their application was unsuccessful, the determination had been made in accordance with “operational recruitment requirements” and the QPS would not provide personal feedback and/or results. PO12 denies this was designed to mislead applicants.
211. The CCC asked QPS Recruiting Section staff members the reason for the decision to stop giving feedback. One staff member stated:
- It was because ... we were providing such detailed information (and) we were getting ministerial after ministerial and (PO12) ... was literally ... half of (their) week just doing correspondence on why people had been rejected.*
212. In a letter to the QPS in March 2020, the CCC recommended that the QPS designate an appropriate point of contact to provide feedback to unsuccessful applicants. It recommended that applicants who requested feedback should be told why their application did not succeed, and advised of any steps they could take to improve their prospects for success and of the appropriate procedure for reapplying in the future. The QPS subsequently advised that, as of June 2020, this was implemented and feedback was provided to all applicants.





## Information to QPS Senior Executive

213. The evidence shows QPS Recruiting Section staff, with encouragement from their managers, adopted vague and misleading responses to questions from senior QPS officers about whether there were different, or lower, standards for female applicants.
214. The responses diverted attention away from the actual question of whether there were different, or lower, standards for women and instead made assertions that all applicants were required to meet minimum standards.
215. The responses failed to disclose the discriminatory practices and the use of different standards for male and female applicants. During an interview with the CCC, one of the QPS Recruiting Section staff members admitted the practice was deception via omission, to hide the reality of the ongoing discrimination.
216. For example, in December 2016, POI2 received a request for information for speaking notes for the then Commissioner, specifically seeking the following information:

*What is the current standard for recruiting (male or female)? In other words what does someone have to have/do/pass to be offered a position at the academy?*

217. Despite the clear request, the response from POI2 was a vague answer, over a page in length, which did not mention the different progression marks applied to male and female applicants, stating instead:

*The pass standards are specific to each assessment, but applicants must demonstrate a level of competency in relation to each assessment in order to progress to the next stage of the recruitment and selection process. The language we use is meeting “operational recruitment requirements” of the service.*

218. Perhaps the clearest example of misleading information found by the CCC was in July 2017 when POI2 received a request from the Commissioner’s office asking very specific questions about psychometric testing. The questions asked were clear and unambiguous and invited clear and unambiguous answers. Instead, POI2 provided vague answers that did not accurately answer any of the questions asked. The questions were:

*“Question re psychometric testing for recruits – Is there a difference between males and females?*

- 1. Do they undergo the same testing? If no – why?*
- 2. Do we accept a different/lower bench mark result for females?*
- 3. What is the scoring levels?*
- 4. If there is a lower level for females is this a result of less females applying than males?”*

219. The responses given were:

- 1. All QPS Recruit applicants undergo the same recruitment assessments.*
- 2. There is a MINIMUM standard for all assessments. All applicants must meet the minimum standard. The standard for cognitive testing is determined by the test developer to reflect the inherent cognitive requirements for law enforcement officers.*



3. *All applicants must attain a MINIMUM standard for each assessment in order to be considered for shortlisting and progression to the subsequent assessment phase. Shortlisting is undertaken based on operational recruitment requirements of the Service.*
  4. *In the 2016/17 financial year, the QPS received in excess of 14,000 applications. The recruitment process is highly competitive.*
220. The representative from the Commissioner's Office thanked POI2 for this information stating "It was perfect. I have briefed the Commissioner and he is ready and armed!". An objective examination of the answers shows that at best they are clearly deficient, and at worst quite misleading for anyone not aware of what POI2 intended by the use of the potentially deceptive phrase 'operational recruitment requirements'. POI2 however states these statements are true and were provided in a very short timeframe (less than 10 minutes).
221. The questions however could have been answered truthfully, concisely and accurately very simply by stating:
1. Yes.
  2. Yes, the progression score for males is higher.
  3. Females Wonderlic 22, TORA 33. Males Wonderlic 26, TORA 46.
  4. Yes.
222. In August 2016, a Deputy Commissioner sought advice on current and future recruiting practices to present on the topic of "Inclusion and Diversity" to a District Officers' conference. The response from the QPS Recruiting Section made no mention of the differing pass or progression scores for male and female applicants that had been introduced only a month earlier.
223. In December 2016, POI2 provided two separate documents for briefings for a newly appointed Assistant Commissioner. Noteworthy content included:
- Describing 50% gender equity as a "target" rather than a direction;
  - Stating that minimum standards for all assessments had been maintained (or increased);
  - Stating the minimum pass mark for Wonderlic as being 22; and
  - Advising that applicants who didn't progress were told "*they have not been shortlisted to progress based on QPS operational recruitment requirements*".
224. In early 2018, an Assistant Commissioner contacted POI2 raising personal concerns that a 70% to 30% split between men and women applicants being converted to a 50% split might involve discriminatory acts. The Assistant Commissioner was so concerned about this issue that they contacted POI2 personally.
225. The Assistant Commissioner stated POI2 provided confident assurance that more male applicants failed integrity vetting, which evened up the ratios. POI2's confident and quick response reassured the Assistant Commissioner.
226. POI2 disagrees with the Assistant Commissioner's recollection and states in early 2018, POI2 had been on leave for a number of months and was contacted by the Assistant Commissioner on a weekend. POI2 was confused at the time about the reason for the call.
227. POI2 strongly denies the comments by the Assistant Commissioner about the content of the call, and POI2 refutes the allegation that POI2 confidently assured the Assistant Commissioner that more males failed integrity vetting.



228. In August 2018, POI2 provided briefing documents for a newly arrived Assistant Commissioner, which included statements contradicting what was occurring in practice. These included multiple references to the “aspirational” gender recruitment target and statements such as:
- “All applicants who meet the required standard” progress;
  - “Positive discrimination is not employed to meet the aspirational target”; and
  - “No re-testing is permitted, except to ensure procedural fairness and natural justice”.
229. When interviewed by the CCC, the Assistant Commissioner confirmed POI2 did not advise of the discriminatory practices previously used.
230. POI2 states that at the time of this briefing, those statements were true, relying on the fact that the most overt discriminatory practices used had ceased earlier that year.

## **Presentations to QPS Board of Management and ELT**

231. In February 2017, presentations were requested from the QPS Recruiting Section for the senior management of the QPS at both the BOM and ELT.
232. QPS Recruiting Section staff were asked to assist to prepare PowerPoint presentations that would be compiled to assist in the final presentation. The evidence shows the draft presentation was amended by a number of people over a two-week period in February 2017.
233. The CCC’s investigation found that early drafts of the presentation prepared by QPS Recruiting Section staff referred to the 50% female appointment goal as a “direction” from the then Commissioner, and to achieve this, the Wonderlic cut-off scores were set at 22 for females (and other target groups), and 28 for males.
234. Following a review of this presentation by senior QPS Recruiting Section staff, the references to the differing Wonderlic cut-off scores were removed.
235. Early drafts of the presentation also included references to the TORA pass mark of 33. During the preparation of the presentation, a senior QPS Recruiting Section staff member asked another staff member to do a comparison from 2015 and 2016 for average TORA scores and, if it looked favourable, the TORA scores would be included, otherwise they would not.
236. In the final presentation, references to differing standards were removed, and it did not include the 70/30 male to female ratio of recruits. References to the then Commissioner’s “direction” had also been removed.
237. The statement *“applicants progressing based on operational recruitment requirements not on simply attaining minimum standards”* was included.
238. The final presentation included a slide titled “Integrity of Assessment” which stated minimum scores for WPT and TORA were both higher than they were previously and there was no acceptance under the minimum score.



239. The presentation also highlighted the purported increase in the number of applications received by the QPS Recruiting Section as a result of new processes. However, this artificially inflated the number of applicants by including people who had expressed preliminary interest via the QPS recruitment website in applying to the QPS, but who did not proceed with an online cognitive test.
240. This base presentation later formed the basis of future presentations made to the QPS BOM, ELT, and the QPUE by POI1. POI1 denies the presentation was misleading or untrue.

## **ELT presentations**

241. In July 2017, POI1 was asked to provide a further presentation to the ELT highlighting the success of the new recruiting strategy which had just concluded its first financial year in operation. The proposed presentation was to include an outline of the new recruitment process and present “impressive statistics” contrasting the new process to the old.
242. The presentation used in September 2017 was deceptive in its content in significant respects.
243. It referred to minimum standards applying to all applicants and how the general cognitive minimum score and the TORA minimum score were higher than they were previously. However, the presentation did not go on to say the standards were different for male and female applicants.
244. The presentation also stated there was no acceptance of applicants below the minimum score for any applicant, however the evidence shows that, in August 2017, POI1 had approved progressing and appointing, without later re-assessing, female applicants by:
- Lowering the required standard for female applicants on cognitive assessments, including female applicants who had previously been told they did not meet the required standard;
  - Allowing female applicants who had failed aspects of the physical assessment to progress; and
  - Allowing female applicants who had previously been assessed as not suitable on psychological grounds to progress.

## **Executive Briefing Notes**

245. In the course of the investigation, the CCC reviewed a number of EBNs in which misleading information was repeated about the gender equity strategy and the standards applied to achieve that goal.
246. In March 2017, a draft EBN was being prepared to address issues around deployment of police recruits in support of the 2018 Commonwealth Games. When this was forwarded to the QPS Recruiting Section for input, POI2 suggested a relaxation of the 50% aspirational gender target for the affected intakes, citing issues caused by the Commonwealth Games.



247. The evidence suggests the primary reason the QPS Recruiting Section would be seeking a relaxation was their ongoing difficulty in achieving 50% female appointment, however this was not mentioned. The EBN under the hand of an Assistant Commissioner was noted and signed by a Deputy Commissioner and the then Commissioner in April 2017.
248. Later in August 2017, when it was apparent to the QPS Recruiting Section staff that the 50% female target for a later 2017 recruit intake would not be achieved, POI4 drafted and submitted an EBN under the hand of the Assistant Commissioner, which was later noted by the three Deputy Commissioners and the then Commissioner.
249. The EBN stated *“achieving the aspirational target of 50% female appointments for the intake 5/2017 may be problematic”*.
250. It included misleading information, such as:
- Since June 2016, greater emphasis had been placed on the principles of merit-based selection;
  - Increased cognitive standards had been applied consistently to all persons including Indigenous, CALD, and female applicants; and
  - The inability to achieve 50% female appointment for intake 5/2017 was due to the Commonwealth Games and government election commitments and subsequent intakes were not due to be affected.
251. The subsequent update to this EBN in November 2017 noted success in achieving 50% female recruits for an intake in 2017, but did not mention that in order to achieve that, POI1 and POI4 had approved progressing and appointing, without later re-assessing, female applicants by:
- Lowering the required standard for female applicants on cognitive assessments, including female applicants who had previously been told they did not meet the required standard;
  - Allowing female applicants who had failed aspects of the physical assessment to progress; and
  - Allowing female applicants who had previously been assessed as not suitable on psychological grounds to progress.
252. When advised by a colleague that the then Commissioner was apparently unfazed if the 50% target was not met, POI4’s response was *“\*\*\*\* me. Why are we dropping standards then?”*.
253. At around the same time POI4 stated that in order to appoint females to an intake in 2017:
- ... effectively we lowered the standard on the TORA cognitive ability assessment, progressed applicants to Oxley [the QPS Academy] on the advice of (an officer) who didn’t meet the recruit entry physical standards, and called back in any person who met the revised standards.*
254. In subsequent EBNs seen by the CCC on this topic, misleading information is repeated about the standards applied to recruits.



## ICOP forum

255. In 2017, the QPS implemented an internal forum named “icop”, meaning “Ideas Connecting Our People”. The platform is similar to a social media page and was intended as an innovation and ideas management system where members of the QPS, regardless of role or rank, could raise issues, concerns and solutions with other members free to comment and vote in support of, or, against the idea/proposal.
256. In February 2018, a QPS member posted concerns about discriminatory practices in recruitment affecting morale titled “Inclusion through exclusion?”. The post, in a measured, professional and respectful manner, raised concerns that the QPS was engaged in discriminatory recruitment, which was causing a divide and morale issues amongst members. The post recommended a review of the direction of the policy.
257. Within 45 minutes of being posted, this submission was copied and later sent with internal emails indicating it was being addressed with two Deputy Commissioners and the icop administrators. The following day, the then Commissioner asked for a response to be drafted and sought a paragraph “addressing the 50/50, drop in standards etc”.
258. Around the same time, another lengthy post was posted on the icop system in relation to diversity, inclusion and gender issues. That post would be described by many as inflammatory, harmful and offensive. Unfortunately, in responding to these inflammatory issues, the concerns raised in the “Inclusion through exclusion?” post that the QPS may have been engaging in discriminatory practices appears to have been overlooked and not further investigated or addressed.
259. On 5 March 2018, a post titled “Inclusion through Exclusion?” and “Joint comment by Deputy Commissioners” was posted by the Deputy Commissioners, providing information including about promotion and recruitment processes. The Deputy Commissioners say the post was to respond to the inflammatory post, not the “Inclusion through exclusion?” post.
260. It included comments about the recruitment process that the CCC investigation has since shown to be misleading, including the following statements around the implementation of the 50/50 gender aspirational recruit target:
- No recruit has entered the academy under this strategy who did not meet the high standards we impose, both cognitively and physically. We have not and will not drop the standards for entry into the QPS.*
- and
- Every applicant must meet the required standards and have done so in every intake since.*
261. On the same date, POI2 emailed a copy of the Deputy Commissioner’s post to senior managers within QPS Recruiting Section recommending it be kept on hand to address similar questions in future. In effect, QPS Recruiting Section were proposing to use the authority of the Deputy Commissioner’s statement, which was based on false reporting, to support their actions.



262. On 22 March, a post from a Deputy Commissioner contained information that, in light of the evidence now known, was either misleading or “spin”, including:

*There is no evidence to suggest that a male applicant with “more merit” than a female who is offered appointment is missing out due to the aspirational 50/50 target that has been set; ...*

*In any event the inference that some get in who are somehow inferior is offensive and incorrect.*

263. The evidence shows these posts under the hand of the Deputy Commissioners were based on information provided to them in briefings and other forums. There was no evidence that the Deputy Commissioners were aware that any of the information provided to them was not accurate.
264. Around the dates of those posts, the original post, and other posts critical of the QPS, were removed from the icop system, so they were unable to be further viewed. Subsequent viewers on this topic would see the post from the Deputy Commissioner as the principal comment.
265. The following day the topic was closed, meaning no more people were able to comment.

## Ministerial briefings

266. The CCC has seen a number of written briefs prepared for the Minister of Police that included inaccurate and misleading information.
267. A July 2016 briefing to the Minister for the Parliamentary Estimates Hearing, prepared by POI2, included repeated statements that the 50% female recruitment was aspirational, when QPS Recruiting Section staff claim they believed it was a direction. The brief also included the statement: *“From the outset, it was important that the recruitment standards were not compromised to achieve this target.”*
268. On 1 November 2016, the QPS Recruiting Section received a query raised through the Minister’s Office asking, *“whether there had been any ‘lowering’ or modification of standards used to select applicants for entry into the Queensland Police Service in the past 12 months”*.
269. The response prepared by POI2 contained the following inaccurate and misleading information:
- There was a higher minimum standard for Wonderlic (with no mention of differing standards or progression scores between male and female applicants);
  - The ACER TORA standard was now higher than it was previously (with no mention of the differing standards or progression scores);
  - The percentiles for the Wonderlic and ACER TORA were aligned (without mentioning for females they were the 63rd (Wonderlic) and 46th (TORA) percentile respectively, while for males they were both around the 86th percentile); and
  - All other assessments of suitability including psychological assessment remained unchanged (without mentioning the process was changed around 12 months earlier from “suitable/unsuitable” to “high/medium/low risk” and females were being accepted at a higher assessed risk level than previously).





270. While there is a somewhat weak argument the responses were technically correct, the responses were deceptive by omission in that they failed to address the question asked and failed to reveal the different standards that were being applied.
271. These responses followed what appeared to be the common tactic by QPS Recruiting Section staff to avoid answering direct and specific questions by responding in a more expansive fashion in which the deception was disguised via spin, word management and information overload in order to disguise the reality of discriminatory standards.

## Ministerial correspondence

272. Multiple examples of inaccurate and misleading information in draft ministerial correspondence were identified.
273. In September 2016, POI2 asked POI4 for assistance with a ministerial response in relation to people “*whining about not progressing based on an ‘8 minute test’*”, including current and/or former police officers whose relevant experience was not being considered.
274. POI4 had previously stated the Wonderlic test (WPT-Q) was a pretty poor indicator, should only be considered a weak indicator of performance, there was no justification for its use over any other assessment, and its usage was not recommended.
275. Despite this, POI4 drafted a five-paragraph response extolling the virtues of WPT-Q, including statements to the effect that:
- Cognitive ability is the single biggest predictor of job performance, is central to contemporary large-scale recruitment and used in approximately 80% of recruitment;
  - Wonderlic is one of the most widely used tests, including for prospective American Presidential nominees; and
  - The use of the WPT-Q version by the QPS reflects its intended purpose and is consistent with best practice recruitment (with no mention of differing standards).
276. In November 2016, POI2 provided a ministerial response in reply to an unsuccessful male applicant who had contacted a Member of Parliament. The applicant complained that he was unable to get feedback after receiving a standard format email advising him he had not been shortlisted for further consideration in accordance with operational recruitment requirements. The response by POI2 included statements to the following effect:
- His results were reviewed to determine if he was competitive within the (new) merit-based selection process (with no mention of differing merit standards between females and males);
  - His results were not competitive with other applicants and that other applicants had demonstrated greater merit (with no mention that there were different merit standards applied to male and female applicants); and
  - He was not shortlisted due to operational recruitment requirements, meaning the number of applicants far exceeded the projected operational needs of the QPS (with no mention of the different standards applied to male and female applicants).





277. In June 2018, POI1 approved content for a draft ministerial response that contained the following information:
- Since March 2016, offers of appointment had been at least 50% female (when in fact initial offers may have been 50%, but all intakes from May 2018 onward were less than 50% female);
  - This had been achieved while increasing cognitive standards (when in August 2017 the QPS Recruiting Section lowered the TORA pass mark from 33 to 28 and made this retrospective as far back as 10 months earlier, meaning female applicants previously deemed not suitable were progressed); and
  - They had maintained all other entry standards (when the preceding year the QPS Recruiting Section appointed female applicants by lowering and modifying standards and progressing female applicants previously not selected, deemed not suitable or who had failed to meet the required standard across physical, cognitive and/or psychological assessments).
278. In July 2018, the QPS Recruiting Section provided a draft ministerial letter in relation to inclusion and diversity and the 50/50 strategy which repeated the same misleading information.

## Media and Right to Information requests

279. The CCC has seen a number of media statements and responses to RTI requests that repeated similar inaccurate and misleading information.
280. On 7 July 2016, a televised Seven News article included comments by a Deputy Commissioner including, *“Our society has 50 per cent females. We want to be an organisation that represents its community”* and *“No, the standards have been maintained. If anything we’re trying to get a higher standard of applicant. It’s about attracting the right people”*.
281. In December 2017, the Seven Network submitted an RTI request seeking *“Documents which detail the breakdown of ratings or grades (A to E) for recruits in the final intake and the gender breakdown (Merit List).”*
282. Later in December 2017, the Seven Network submitted a further RTI request seeking *“Documents, specifically ministerial/executive briefing notes and attachments, reports, correspondence, including emails, since 1 January, 2017, in relation to the directive that 50 per cent of new recruits be female.”*
283. The CCC has been unable to identify exactly what was provided in response to the RTI request, however, the evidence shows the Seven Network was provided with a copy of the EBNs which claimed that standards had not been lowered and merit principles were adhered to. The response should have also included the November 2017 email from POI4 which stated in order to appoint females to the November 2017 intake:
- effectively we lowered the standard on the TORA cognitive ability assessment, progressed applicants to Oxley [the QPS Academy] on the advice of (another QPS staff member) who didn’t meet the recruit entry physical standards, and called back in any person who met the revised standards.*



284. On 25 January 2018, a televised Seven News article included references to the EBNs sought by Seven News in December 2017. This report highlighted that late in 2017, 50% female recruitment was achieved by *“reviewing female applicants from previous campaigns who were still competitive”*, meaning females were appointed *“who weren’t selected the first time round”*. The resulting media reporting indicates the November 2017 email about lowering standards was not provided in response to the RTI request.
285. When questioned by a journalist about this, an Acting Assistant Commissioner stated: *“We’ve never taken a person in as a recruit who has not met the minimum standards”*.
286. When further asked *“But they’re not the best, are they?”*, the Acting Assistant Commissioner replied: *“They meet the required standards”*.
287. Evidence gathered during the CCC’s investigation shows the Acting Assistant Commissioner was merely reiterating information provided during briefings and would likely have been unaware what they were stating was false and misleading.

## Other agencies and organisations

288. In September and October 2016, the Queensland Audit Office (QAO) requested a variety of information from the QPS related to recruitment and termination, staff monitoring and mental health monitoring and management. Specifically in relation to recruiting, the QAO sought data on applications for the preceding five years, including successful and unsuccessful applicants and reasons for the being an unsuccessful applicant. The initial reply from the QPS Recruiting Section provided explanations as to why the data requested could not be provided.
289. After then being asked by the QAO for raw data on entrance exam results, including overall outcomes, cognitive ability test results, name and gender of all applicants (which, if provided from July 2016 onwards, would clearly have shown the differing pass and progression scores), the reply from QPS Recruiting Section in November 2016 stated:

*... our database limitations mean we cannot provide the 5 years data for WPT in terms of who may have progressed*

and

*The WPT score is now aligned to the defined law enforcement standard so applicants who do not meet this standard are not shortlisted for further consideration, regardless of whether they are from a targeted diversity group or not.*
290. This last statement appears to be deliberately misleading, to hide the fact there were higher progression scores for non-diversity target group applicants.
291. In May 2017, a presentation was prepared to be presented to the QPUE using an updated version of the QPS BOM presentation, and contained similar misleading information, including the statement that *“applicants progressing based on operational recruitment requirements not on simply attaining minimum standards”*, without also stating that female applicants and other diversity target groups were progressed at minimum standards, but non-target group males required higher scores to progress.



## 5 – Investigation outcomes and recommendations

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### Discriminatory recruitment practices

292. The CCC investigation revealed ample evidence to support the conclusion that, during the period December 2015 to around October 2018, the QPS engaged in discriminatory recruitment practices to achieve the 50% female recruitment target.
293. Overall, the investigation shows around 2,000 male applicants were subject to discriminatory assessment practices which prevented them from progressing through the recruitment process over approximately an 18-month period from July 2016 to the end of 2017.
294. Between 2016 and 2018, approximately 1,231 recruits commenced, comprising of 653 males and 578 females.
295. If the various discriminatory practices had not been implemented, the CCC estimates approximately 200 more meritorious male applicants would have been successful in their attempt to join the QPS.
296. The principal drivers of the discriminatory practices adopted by staff of the QPS Recruiting Section were the senior staff within that office who were responsible for its leadership, supervision, management and direction.
297. POI2 had knowledge of the advice provided to QFES. Senior staff of the QPS Recruiting Section knew of the legislative requirements of the PSAA and ADA in ensuring recruitment decisions were free from discrimination. They regularly used the word “aspirational” to describe the strategy and they took significant efforts to cover up what was occurring.
298. The evidence supports the conclusion that managers of the QPS Recruiting Section approved the use of discriminatory recruitment practices to achieve the then Commissioner’s request, and staff of the QPS Recruiting Section implemented those discriminatory practices.
299. POI2 denies this and says the then Commissioner directed the strategy be implemented, POI2 provided accurate information about how to achieve the strategy which was removed without POI2’s knowledge, no-one told POI2 not to implement the strategies, the practices were not a secret, they were well known in the QPS Recruiting Section and the Academy and QPS executives knew about the practices.
300. POI1 claims to have been unaware of the discriminatory nature of the practices adopted.
301. POI4 says that to achieve the then Commissioner’s direction, a mandatory quota for female applicants existed and this was the then Commissioner’s intention, that discrimination was necessary to achieve the quota, discrimination was appropriate and lawful and the discriminatory practices were, or at least should have been, in the contemplation of the then Commissioner and other QPS executives.



302. POI4 further states that in the absence of discriminatory practices, there was no way to translate 30% of female applicants into 50% of recruits. It was reasonable to expect that the then Commissioner and other executives would have at least been aware that some level of discrimination in the recruitment of QPS applicants was required.

## **Misleading and deceptive reporting**

303. The evidence clearly shows that staff and management in the QPS Recruiting Section knew that discriminatory practices were used to achieve the 50% female recruitment target.
304. The examples highlighted in this report also show how staff and management in the QPS Recruiting Section provided information that was evasive, misleading and did not answer the questions asked. There was a lack of honest reporting to a host of audiences, both internal and external to the QPS.
305. Staff members and managers of the QPS Recruiting Section consistently claimed the reason they implemented the discriminatory processes to achieve 50% female recruitment was because they had been directed by the then Commissioner of Police to achieve it. This was despite significant correspondence showing they also repeatedly referred to it as an “aspirational” target.
306. Staff members and managers within the QPS Recruiting Section stated that as a result, they believed they were acting lawfully in compliance with a direction from the then Commissioner. They denied intentionally misleading anyone or hiding the practices they had implemented.
307. However, the CCC obtained significant evidence that objectively shows those staff members consistently used misleading and vague statements as well as deficient, inaccurate, misleading and false reporting to a range of people over an extended period of time.
308. Hiding the true state of affairs behind misleading and deceptive “spin” is inconsistent with an honest belief of acting in accordance with a lawful direction from the then Commissioner.
309. The evidence supports the conclusion that the managers and staff of the QPS Recruiting Section provided misleading and deceptive information and answers on a number of occasions to a variety of audiences, including to the QPS Executives over an extended period.

## **Role of the supervisors and managers**

310. Despite the misleading reporting, the QPS senior executives during that time showed a lack of sound governance. Mistakes were made and the senior executives could have done more.
311. The initial letter requesting implementation of the strategy from the then Commissioner was ambiguous in its messaging around whether the strategy was “aspirational” or a “direction”, although this is denied by the then Commissioner. That message was not clarified at any stage.
312. The maths never stacked up and no-one looked behind the numbers. To translate 30% of applicants into (almost) 50% of recruits over three successive years raises the obvious question about whether discrimination was involved. As one witness said, it failed a ‘grade 4 maths test’ to think 50% could be achieved without some form of discrimination.



313. Apart from one occasion, none of the senior executives enquired into the misleading reporting during that period and properly asked how the 50% outcomes during those three years was achieved. When that senior executive did seek more information, the misleading answers provided by POI2 were readily accepted.
314. The opportunity to ask more probing questions and get truthful answers were many. QPS senior executives were asked for information about how the target was achieved many times from multiple sources, and they asked for answers themselves many times.
315. QPS senior executives accepted at face value the information provided to them by the QPS Recruiting Section, despite the obvious mathematical challenges and the “spin”.
316. Some of the core skills of a police officer are to have an inquisitive mind, check facts, probe and ask questions and not to accept information at face value until it is proven. The actions of some of the QPS executives over that time could be seen to lack those core skills.
317. The then Commissioner disputes this and says claims of the success of the 50/50 gender equity strategy were confirmed by the positive results and achievement being attained by all recruits who met the high standards required during the recruit training phase.<sup>23</sup>
318. Some QPS executives were quick to laud the QPS Recruitment Section for achieving the ambitious target.
319. The actions of the QPS leaders who celebrated the strategy’s success, while not seeking further information about how the ambitious target was met is indicative of some QPS executives blindly accepting the practices.
320. That such conduct was able to occur over such an extended period of time (at least from 2016 to 2018) raises concerns over the standard of leadership and management at a number of levels within the QPS during that time.
321. That failure of leadership, supervision and management is a significant theme in this investigation.

## **Recommendations – criminal and disciplinary action**

322. The CCC concluded there was insufficient evidence to support criminal action against any person arising out of this investigation.
323. The CCC has decided there is sufficient evidence to support taking disciplinary action against the persons of interest identified during the investigation.
324. The CCC plans to take action in the Queensland Civil and Administrative Tribunal (QCAT) pursuant to section 50 of the CC Act against one or more of the POIs, seeking a finding of corrupt conduct. If QCAT makes a finding of corrupt conduct, it can order sanctions including dismissal of the officer, a reduction in salary, a forfeiture of a salary increase or a fine. The CCC has also recommended the QPS take disciplinary action against other POIs.

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<sup>23</sup> Submission of the then Commissioner, page 8.



## Interim Procedural recommendations – March 2020

325. In the early stages of the CCC's investigation, it was apparent that discriminatory recruitment practices had been adopted by the QPS as alleged.
326. On 26 March 2020, the CCC wrote to the QPS and made a number of preliminary recommendations to ensure the discriminatory practices were not continuing and to take a number of other interim remedial steps. In summary, the interim recommendations to the QPS involved:
- Reviewing recruitment policies to ensure they are legally correct and reflect best governance, and then providing governance awareness training for staff involved in recruiting;
  - Ensuring all staff within the QPS Recruiting Section receive a complete induction;
  - Documenting the recruitment process and ensuring benchmarks for applicants are transparent. If benchmarked standards are to be changed, an Assistant Commissioner should be the decision-maker;
  - Reviewing the QPS Recruiting Section to remove the "siloeing" and isolation of tasks and roles that prevented the holistic and collaborative assessment of applicants;
  - Returning to a selection committee system rather than an individual having that delegation, with involvement of senior representatives of the PCAP, QPS Recruiting Section and Recruit Training;
  - Ensuring the QPS Recruiting Section receives adequate financial support to select quality police recruits;
  - Improving the reporting of the numbers of applicants to more accurately represent the number of applicants managed by the QPS Recruiting Section; and
  - Appointing an appropriate point of contact to provide feedback to unsuccessful applicants, such as why their application was unsuccessful, steps to improve their prospects for future success and procedures for reapplying in future.
327. In October and December 2020, the current QPS Commissioner provided the CCC with updates on the Police Recruiting Implementation Plan that was developed to address the recommendations made by the CCC. The current QPS Commissioner advised of significant progress in implementing the CCC's recommendations.

## Organisation-wide final recommendations

328. At the conclusion of the investigation, the CCC also provided a comprehensive investigation report to the QPS which included the evidence supporting the conclusions reached, for the QPS to decide what action to take to prevent this occurring again.
329. The CCC made a number of other recommendations to the QPS to address the core drivers and factors that allowed the discriminatory recruitment practices and misleading reporting to occur. These covered a range of issues, recommending that the QPS:
- Utilise a mechanism (such as the QPS specific questions on the Working for Queensland Survey) to better identify corruption risks;
  - Take measures to address the clear failures of leadership at all levels that enabled the discriminatory and dishonest practices to occur and flourish;



- Ensure work-based targets are reasonable and attainable;
- Take steps to rectify the significant issues with communication of instructions from senior executives to the operational levels of the QPS;
- Take steps to rectify the significant misleading reporting that occurred, including the use of “spin”, both within and external to the QPS;
- Review cultural norms across the organisation to identify divergence in norms that may be indicative of workplaces susceptible to negative behaviour; and
- Take action to ensure that when complaints, allegations or concerns are raised the overriding priority is to fairly, impartially and thoroughly investigate and address the concerns raised, rather than defending the QPS position.

## **Procedural recommendations in relation to recruiting**

330. The CCC has made broad recommendations to the QPS in relation to recruiting, including:

- Engage the Queensland Human Rights Commission about the need to increase diversity in the QPS, and develop and implement appropriate strategies to address this;
- Deliver appropriate training in unbiased and inclusive recruitment practices to all relevant recruiting staff;
- Undertake or commission research to identify the factors and barriers impacting the recruitment and retention of a diverse workforce;
- Implement an appropriate, accurate and auditable digital records management system for all police recruit applicants;
- Conduct a full review of the psychological assessment system in use by the QPS to ensure its validity and effectiveness;
- Consider examining how to undertake recruitment processes using a more holistic system that identifies relative merit of applicants rather than a pass/fail system;
- Take action to ensure work-based
- targets are reasonable and attainable;
- Reaffirm responsibility on all members to identify and address workplace risks and non-compliance;
- Reaffirm leadership and individual responsibility and requirements to ensure lawful and compliant actions by members of the QPS;
- Reaffirm the requirements for managers of all leaders to address all matters within their scope of responsibility;
- Ensure all recruiting assessments are valid and reliable to the full extent of their use to ensure applicants are not unfairly disadvantaged by assessments; and
- Take steps to reaffirm and strengthen members’ understanding of their responsibility and ability to identify and report suspected misconduct and to question decisions.





# Appendix 1

## Submission from the then Commissioner

**Note:** The following submission referenced paragraph numbers in the report that have changed post procedural fairness amendments being made to the report. The CCC has updated these to reflect the new paragraph numbers in the published report. These changes have been underlined.

**fc lawyers**

Your Reference: [REDACTED]  
Our Reference: [REDACTED]

Date: 19 April 2021

Mr A J MacSporran QC  
Chairperson  
Crime and Corruption Commission

Dear Mr Chairperson

### INVESTIGATION ARISTA – DRAFT PUBLIC REPORT

Thank you for your letter of 12 April 2021 enclosing the draft report in relation to Investigation Arista.

I confirm I act for Mr Ian Stewart AO APM and thank you for affording my client the opportunity to respond to the draft report before a direction is requested from the Parliamentary Crime and Corruption Commission for the report to be given to the Speaker of Parliament in accordance with Section 69 of the *Crime and Corruption Act 2019 (Act)*.

I confirm that my client is happy for this response to be attached to the final report.

I will deal with some preliminary issues first before providing my clients comments in relation to the body of the report itself. For ease of reference, I have identified the corresponding numbered paragraphs in the draft report.

### Terminology

The report makes serious findings and criticisms of members of the QPS Recruiting Section (QRS). They are identified as Persons of Interest POI1 to POI4.

However, throughout the report there is reference and criticism of groups referred to as the QPS, QPS Senior Executive, QPS Executive, QPS leaders, QPS BOM and QPS ELT.

With respect I believe this is very confusing and takes a very broad brush approach to a range of different groups which are made up of very different members of the QPS and others. This does and will continue to cause significant confusion as to who the criticism is levelled at particularly at paragraph 310 being the 'Role of supervisors and managers'.

**Brisbane**  
Brisbane Club Tower,  
Level 8, 241 Adelaide Street,  
GPO Box 485, Brisbane QLD 4001

**Sunshine Coast**  
Kon-Tiki Business Centre,  
Tower 2, Level 3, Suite 310, 55 Plaza Parade,  
PO Box 5851, Maroochydore QLD 4558

**1800 640 509**  
**fclawyers.com.au**

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My client was the former Commissioner referred to during the relevant period and as such accepts the ultimate responsibility to respond to any adverse findings relating to the QPS. However, in the interest of fairness it is important to understand who comprises these other various groups referred to.

For the purpose of this response my client will refer to the QPS Executive Leadership Team (**ELT**) so as to avoid confusion with the various terminology referred to above. At the relevant times the ELT comprised of the 3 Deputy Commissioners (**DCs**) all Assistant Commissioners (**ACs**), the senior member from the Legal Division and Policy and Performance Office, Chief Supt CCC Police Group and on rotation senior female officers/staff members who represented members of the Australasian Council of Women and Policing and subsequently the QPS Senior Women's Collective. (During 2015 there were 13 ACs including the AC G20 Group).

#### **The impetus and reason for the 50% female recruitment target initiative (policy)**

This policy was introduced by my client in consultation with the ELT and had their full support.

In August 2015, the Queensland Government (**Government**) announced the "50/50 on equal footing", which detailed the Queensland public sectors gender equity strategy for 2015 to 2020 (**strategy**) that lead in part to the QPS policy.

For the record I note at paras 75 to 79 of the draft report this Government strategy is mentioned, but the draft does not address details of the strategy, its context and why it was introduced.

Additionally, in response to major sexual harassment scandals and reviews involving the Australian military during 2012 to 2014, the Victoria Police in 2015 and the Australia Federal Police the ELT gave consideration to supporting the strategy along with other QPS initiatives. Those other initiatives included the Juniper Program and the very makeup of the ELT and the QPS Board of Management (**BOM**). The BOM included external independent members and the 3 DCs who advised the Commissioner on the administration of the QPS. The external members provided a gender balance on the BOM and was an initiative of my client.

#### **The structure and reporting lines of the QPS Recruiting Section (QRS) at the relevant time**

The Public Safety Business Agency (**PSBA**) was implemented by the Government in late 2013 as a 'shared services' model providing administrative support to the QPS, the Qld Fire and Emergency Services (**QFES**) and the Inspector General of Emergency Management (**IGEM**).

In 2015 the QRS operated within the PSBA organisational structure before being transitioned back into the QPS on 1 July 2016. The PSBA Executive Director of Human Resources had 'line-control' of this section which was comprised of QPS sworn officers, administrative staff and specialist recruitment staff including a psychologist. It was managed by a Director level officer at that time.



When the QRS transitioned back to the QPS in mid-2016 it was situated within the People Capability Command under the DC Strategy Policy and Performance. It remained there through 2018. I note the draft report does not contain any detail or commentary regarding the context of the transition of the QRS (or other key organisational units) in terms of the perception of the QPS as a whole, let alone the ELT and any impact on the staff involved including the POIs identified in this draft report. It would be fair and reasonable to obtain this information which would be potentially relevant in understanding why the POIs acted in the way they did.

### **QPS Culture**

The report does not investigate the positive aspects of the culture of the QPS particularly in respect of integrity, leadership, innovative practice and enhanced governance. Such omission is detrimental in providing a balanced view of the contemporary environment of the QPS at the time of these events, including a strong commitment to the highest professional standards.

### **Applicant and Recruit**

It is noted that the intended outcome of the Commissioner's aspiration was to 'put in place strategies to select not less than 50% females per intake'. It is not contested at any time in the Investigation Arista draft report, that the Commissioners intent was to increase the number of females who met the QPS standards to be accepted into the QPS recruit training program. Those standards have been developed over time to assess the potential for success in the recruit training program and beyond.

Recruit training is undertaken by the staff of the QPS Academy. Recruit training is a rigorous process of some 6 months duration. The standards for recruit training, the training requirements, and the assessment of recruits-in-training are completed independently of the QRS. Some recruits fail to meet these standards and exit the program. Those who meet the standards are ultimately accepted and sworn-in as Queensland Police Officers.

There is no suggestion or evidence in the draft report of manipulation or reduction in standards during the recruit training program relative to the years 2016-2018. The vast majority of applicants, male or female who were selected as recruits to enter the recruit training program during the period 2016-2018 were successful in meeting requisite training standards and became sworn officers. There is no suggestion or evidence in the draft report that average recruit training failure rates for any specific cohort or classification of recruit/s changed significantly during this same period.

These facts are seminal when considering all aspects of this draft report, the initiatives recommended at para 330, and the broad-based claims inferring a QPS 'failure of leadership'.



### Recruiting Standards

There has been commentary in the draft report to the specific standards in use by the QPS in assessing applicant potential to succeed in the recruit training program and beyond, no commentary is made in relation to the inexact nature of selection. This is clearly evidenced by the fact that no single standard of recruiting criteria or practise across all Australian police jurisdictions exist. Each jurisdiction has developed their standards and practise according to their perceived demands and relevant legislation.

This variance is also indicative of the changing nature of demands on policing (including surges in recruiting), timing in respect of organisational reviews, the changing nature of applicants (generational change), the quest for inclusion and diversity, and the changing science of selection processes. Many of the recommendations at paras [326](#) and [330](#) reflect these facts.

These variances are also seminal when considering the commentary in the report centred on relative merit of applicants in the QPS context. Yes, there must be a standard and system of assessment to determine that an applicant has the potential to succeed in training for a future police career. However, once that assessment is made and an applicant proceeds to recruit training there is no evidence that their training or future career is influenced by their relative merit assigned by the recruit assessment process. A process that is acknowledged as variable and point in time, by some of the recommendations of the draft report.

### Complex Operating Environment

The investigation report does not give any consideration of the complex environment for all leaders of the QPS during the relevant years. The extremely busy tempo of the QPS, the challenges of the PSBA/QPS restructure, the impact of the death of Senior Constable Brett Forte in 2017, a State Government election, Commonwealth Games preparation, to identify just some of the myriad of issues impacting and being addressed by my client and the QPS ELT.

Of particular importance was the work being carried out to address the reported incidents of workplace bullying, sexual harassment, and negative female bias in the workplace. (Such issues were also evidenced in Australian military and police organisations). The operation of the QPS Juniper program was allied to the 50/50 recruitment policy and recent history has shown that strategic increases in female representation in workplaces is often considered when evidence of negative workplace behaviours by men, particularly in male dominated industries is identified.

Project Juniper was launched in 2018/19 as the Inclusion and Diversity Restorative Engagement and Cultural Reform Program including establishing an external, independent 'safe space' model (1800 Speak Safe) for employees affected by workplace bullying, sexual harassment and unlawful discrimination. Due to significant legislative concerns of the Project team the planning phase was lengthy. That process also provides an alternative view of how 'dissent' is valued by the QPS, my client and the ELT.



### Specific Commentary on the draft report

My client would like to respond and clarify certain aspects of the draft report.

As previously stated for ease of reference, I will refer to the corresponding numbered paragraphs of the draft report.

### The Foreward

The second sentence of the fourth paragraph with respect is based on a flawed assumption, “that an organisational strategy was not going to work”. It was clear from the evidence presented to the ELT that the policy was working. The advice provided to the QPS by the QRS initially was that the target (50/50 gender recruitment) was highly attainable and aspirational (Note para 118).

The second sentence of the fifth paragraph does not reflect the actual circumstances of what was occurring. The information being provided to the ‘Senior Officers’, (and for the purpose of this response I would refer to them as the ELT), by the QRS, was that the policy was being successfully implemented. It would be reasonable and prudent for the ELT to expect senior members of the QRS would be truthful in their reporting. There is no evidence that any member of the ELT had any reason to doubt this, nor were they alerted to any issues to the contrary.

The last paragraph of the Foreward is unfair and factually incorrect. It is a well understood maxim that in Western democratic societies, a police service should reflect the community it serves. The QPS was not alone in considering implementing such a policy. This issue was discussed in detail in the article, ‘Diversity and inclusion in Australian policing: where are we at and where should we go?’ Volume 5 / Issue 2 / 2018 / ISSN: 2203-4552 Public Safety Leadership by Dr Abby McLeod. Abstract:

*There has for a considerable time been a focus on research relating to these equitable principles and the promotion of women through police ranks to senior leadership positions. The research clearly shows that not only on the international stage but also in Australia the business benefits commonly associated with organisational diversity. As mentioned earlier in this response major independent reviews of organisational culture and sex discrimination had been commissioned by Victoria Police, the Australian Federal Police and South Australia Police. Several jurisdictions announced 50/50 recruitment targets. These policy initiatives being simultaneously welcomed and resisted by both males and females (sworn and unsworn) raising a range of questions about how best to promote gender equality in our national policing organisations’.*

Therefore, to say it was decided without adequate consultation and uniformed research is just not factually correct. The ELT was committed to the policy and requested it to be implemented on the basis it was aspirational. The fact they were misled by senior officers and members in the QRS and ‘ignored potential risks to the Service, the applicants themselves and the community at large’ is simply wrong and without foundation. In a similar vein it was the strong belief of my client at the time and supported by the ELT, which recent history supports, that not pursuing increased representation of females in male dominated organisations was in fact the greater risk and not in keeping with the expected standards of our community.



### Responses to numbered paragraphs of the draft report

**Para 70** This is the only reference to the contemporaneous issues being experienced in other similar organisations in Australia. A more informed discussion in the report regarding other police jurisdictions which committed to a 50/50 recruiting policy seems necessary. Reference is again made to the Australian Institute of Police Management publication by Dr Abby McLeod cited previously.

**Paras 86 to 88** With respect there is considerable evidence which exists including public statements that the policy was always stated to be 'aspirational'. Further, even if it was misinterpreted to be a direction, which my client challenges, there is no evidence that the QRS had any brief, licence, or imprimatur to implement the policy without due process and lawfully. The strategy for the policy implementation was to ensure that, as is with all work undertaken by QPS, it satisfies legislative and community expectations. There is no excuse to mislead the ELT and it would be unreasonable to think senior officers in the QRS would contemplate, undertake and participate in such behaviour.

**Para 89** This paragraph provides an opinion and does so without any particulars or evidence of how the opinion is reached. The QRS was, during the initial stages of the 50/50 recruiting initiative, subject to a separate reporting structure in the PSBA. My Client totally rejects the inference that a senior officer would be influenced as suggested. There are significant avenues and policies in place that protect any employee where they can report or seek assistance if such influence as alleged was being exerted. I refer to my commentary above in this regard.

**Para 91** My client totally rejects that he at any time gave a direction and he is fully aware of the legal consequences of doing same.

**Para 93** My client rejects this paragraph outright. The interpretation of 'evidence' neglects to balance the motivation of the staff of the QRS. There is no evidence other than that provided by staff of the QRS that constructive dissent was not welcome.

**Para 97** The findings and statements in this paragraph are clearly wrong and refuted by my client. They impute a sense of impropriety on my client without foundation. To characterise such behaviour as the meeting with POI2 as without the "usual level of oversight, governance and decision making unusual" is again an opinion made without evidence or an understanding of the workings of the QPS.

In a large organisation such as the QPS, the number of meetings senior executives would have with lower ranked officers or staff is often limited simply due to pressure of work, but without staying in touch with subordinates, by allowing them to share their aspirations, experiences and concerns is to neglect a valuable source of information which my client valued.



Providing a briefing to an ELT member on a current strategy or project, also provides the opportunity to provide honest concerns or even to inspire. Having regard to the PSBA structure at the time, a discussion by my client with a senior police officer, and in fact the most senior at QRS, does not necessarily equate to a departure from normal practice, let alone a significant departure. It perhaps says more about the trust of my client in the character of an officer known to him by reputation, which in hindsight was sadly misplaced.

**Para 98** My client again refutes the evidence of POI2 in relation to the so called 'requirement' as opposed to an 'aspirational' target. It should be acknowledged that there is significant independent evidence to support the 'aspirational' issue independent of my client. To prefer evidence of POI2, who has been discredited, against the whole of the ELT and independent sources, is factually wrong and a denial of natural justice.

**Para 100** This comment is important as an indication of the counter views expressed by individuals from PSBA HR which included the QRS. The 'senior employee' of PSBA HR identifies a statement attributed to my client that clearly and unambiguously confirms the aspirational nature of the 'direction' - by identifying a 'goal' date and identifying a 'fall-back position' if goal is not achieved. It is important to note this apparently occurred on the same day as the conversation with POI2.

**Paras 109 to 113** This is not correct. My client would have reasonably expected that with the significant resources of the PSBA and the QRS, the necessary legal and other inquiries would have been undertaken once he made the request. It is not correct to state it would have been done prior to the request. The appropriate area for this to occur was through the QRS and PSBA. In a large organisation like the QPS the various areas of responsibility undertake the research, address legal, political, and other issues and brief my client and the ELT if they see an issues or problems with a new policy. That is clearly good governance and management practice.

**Para 130** This is a logical and necessary outcome of any policy that seeks to positively discriminate in favour of a group, in this case women, to achieve a desired outcome and in this case enhanced gender balance across sworn police. My clients answer reflects that logic that to become a QPS Officer a candidate must meet a minimum standard. By not changing that standard but offering employment to more women candidates for a limited number of recruit course places, means some males will inevitably not be recruited. My client stated in his evidence to the hearing that he never expected the 50/50 recruiting aspiration to achieve 50/50 gender balance across the QPS sworn staff. It remains clear that across Western police departments males continue to be more attracted to policing than do females. This is simply a fact. I also refer to the general commentary above.

**Paras 294 to 296** These paragraphs fail to address the fact that without the aspirational recruitment during these years, the QPS would not have achieved any change in gender balance across sworn officer numbers. It is unfortunate that due to misinformation, provided to decision makers and more widely, what could have been a significant advance towards greater diversity in the QPS was derailed. Perhaps in balancing risks, ensuring more women seek employment opportunities as sworn officers should remain a priority for the QPS to address in part, the continuing negative workplace behaviours so regularly identified in male dominated workplaces in Australia. My client's intent and the support of the ELT should be seen as timely, appropriate, and fair in attempting to address that imbalance.



**Paras 310 to 321** The paragraphs at 310 to 321 contain many assumptions and innuendo which appear to be based simply on the opinion of the writer.

**Para 311** The statement made is, with respect, simply inaccurate and wrong. In interviews, in fora, in official correspondence (outlined in this report) the aspirational context was identified. A critical factor that has not been accorded appropriate significance by the investigation is outlined at Paras 266-271 and relates to Ministerial Briefings and Correspondence. The context of these documents were known to members of the ELT and supported their honest and reasonable belief of the 'success' of the policy. The absolute requirement for accuracy of information in Ministerial documents provides some insight as to the mindsets of the ELT and their faith in what was being reported (but subsequently identified by this investigation as being at best misleading).

**Para 316** [The wording of paragraph 316 has been amended in the published report]  
The comment "It defies belief that the most senior, experienced police officers in the State accepted at face value the misleading "spin" they were fed by the QPS Recruiting Section for over three years" completely disregards the strong evidence of the 'success' of the 50/50 gender recruiting initiative. That evidence was apparent every time an induction parade was conducted over the relevant years. Each parade presented almost equal numbers of fully trained and competent recruits, male and female, ready to become sworn officers. It was not that 'the most senior, experienced police officers in the State' simply accepted the veracity of what they were being told by QRS staff, those claims were confirmed by the positive results and achievement being attained by all recruits who met the high standards required during the recruit training phase. I also refer to the general commentary above.

**Para 319** [The wording of paragraph 319 has been amended in the published report]  
This paragraph assumes that any QPS leader who celebrated the 'strategy's success' and did not adequately question how the target was achieved' were complicit by turning a 'blind eye to the practices. This implies knowledge or at least suspicion of the improper 'practice', which is not supported on the evidence provided. It would be totally inappropriate, unfair and wrong to makes such comments regarding my client or the ELT.

**Para 320** Such a generalised statement without specific evidence or attribution is inappropriate, unfair and wrong and I reiterate my comments in Para 316 above.

**Para 321** The statement is an opinion which cannot be supported as indicated previously in this document and makes highly prejudicial insinuations against the QPS and in turn my client and the QPS ELT.

## CONCLUSION

Clearly, as established by the investigation there has been improper conduct by a small number of QPS and or (then) PSBA staff.

There is no evidence to support the statement, "The central problem at QPS was a failure of leadership. The most senior officers could not admit or did not want to know that an organisational strategy was not going to work". The Community should not be invited to accept that as a fact, as there is no evidence to support that, other than the actions of a small group who intentionally misled the leadership.



It is not correct, fair or reasonable to indicate that the practices of the QPS would cause community concern when the practices only relate to a small number of people who did the wrong thing. Rather it should be framed that our community would expect the QPS to reflect the community it serves, and it is unfortunate a small number of employees acted inappropriately despite the best intentions of my client and the ELT.

The draft report refers to perhaps 200 suitably qualified male candidates missing out due to these discriminatory practices. What is missing is an assessment of how successful the candidates who were selected has been? Have they performed their duties appropriately and to the requisite standard of Police Officers in Queensland?

The statement that the "QPS allowed the unsuitable to become the acceptable and ignored the potential risk to the Service, the applicants themselves and the Community at large", is wrong and damaging. With the greatest of respect there is just no evidence that either factually or empirically supports this. There is no evidence that any of the applicants who were accepted, did or do not perform, to the requisite standard of professionalism expected of a Queensland police officer.

The fact that they subsequently passed the training assessments and were (mostly) 'sworn in' as Queensland Police Officers clearly contradicts any notion of 'unsuitable'. To make such a statement is unfair and potentially discriminatory. It undermines the confidence the community has in the QPS institution and impugns the character of my client and more broadly the leadership of the QPS. It also 'labels' every female recruit during the years 2016-2018, regardless of their relative assessment outcomes as being unsuitable. That is not supported by any evidence that is contained in the draft report.

My client does accept that there can be learnings from the policy and its implementation but does not accept there was a failure in leadership nor did he at any time allow an unacceptable risk to the QPS, the applicants or the community. As the Commissioner of Police, creating aspirational goals for staff to achieve lawfully, is fundamental to the optimal performance of a contemporary law enforcement organisation that prides itself on always striving for world's best practise. Accepting that sometimes those aspirations are not achieved is a logical necessity. However, this should never be a reason to stop striving.

As the then Commissioner of Police my client accepts ultimate responsibility that this initiative did not achieve the outcome in a manner that was honest and met community standards, as intended. But to insinuate that the members of the QPS ELT and a significant range of leaders and staff across many areas of the QPS simply turned a blind eye to what was occurring is to invoke a sense of conspiracy that simply cannot be sustained. The evidence simply does not exist.

Thank you again for this opportunity to identify issues which are contested in the draft report. My client is particularly mindful of his obligations and responsibilities to inform the investigation process, and to ensure procedural fairness for the Queensland Police Service and its members.

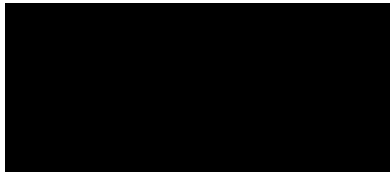




I trust that that the proposed recommendations identified in paragraph 328-330 of the draft provided to my client are subject to the current process of procedural fairness and have not yet been communicated other than in draft to any stakeholder including any member of the current QPS ELT.

I would be prepared to clarify or discuss any of these issues or comments raised in this response if required at your convenience and look forward to the final report fairly and equitably responding to the matters raised in this response.

Your faithfully



Managing Director  
FC Lawyers





## Crime and Corruption Commission

QUEENSLAND

### Contact details

✉ Crime and Corruption Commission  
GPO Box 3123, Brisbane QLD 4001

Level 2, North Tower Green Square  
515 St Pauls Terrace,  
Fortitude Valley QLD 4006

☎ 07 3360 6060 or  
Toll-free 1800 061 611  
(in Queensland outside Brisbane)

📄 07 3360 6333

### More information

🌐 [www.ccc.qld.gov.au](http://www.ccc.qld.gov.au)

@ [mailbox@ccc.qld.gov.au](mailto:mailbox@ccc.qld.gov.au)

🐦 @CCC\_QLD

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[www.ccc.qld.gov.au/subscribe](http://www.ccc.qld.gov.au/subscribe)