



ECONOMICS AND GOVERNANCE COMMITTEE

Members present:

Mr LP Power MP (Chair)
Ms NA Boyd MP
Mr ST O'Connor MP
Mr DG Purdie MP
Ms KE Richards MP
Mr RA Stevens MP

Staff present:

Ms L Manderson (Acting Committee Secretary)
Mr J Gilchrist (Assistant Committee Secretary)

PUBLIC BRIEFING—INQUIRY INTO THE POLICE SERVICE ADMINISTRATION (DISCIPLINE REFORM) AND OTHER LEGISLATION AMENDMENT BILL 2019

TRANSCRIPT OF PROCEEDINGS

MONDAY, 25 FEBRUARY 2019

Brisbane

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The committee met at 9.30 am.

CHAIR: I declare open this public briefing of the Economics and Governance Committee's examination of the Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019. I acknowledge the traditional owners of the land on which we meet. My name is Linus Power. I am the member for Logan and the chair of the committee. With me are Ray Stevens, the member for Mermaid Beach and deputy chair; Nikki Boyd, the member for Pine Rivers; Kim Richards, the member for Redlands; Dan Purdie, the member for Ninderry; and Sam O'Connor, the member for Bonney. On 13 February 2019, the Minister for Police and Minister for Corrective Services, the Hon. Mark Ryan, introduced into the Legislative Assembly the Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill. The bill was referred to this committee for examination, with a reporting date of 12 April 2019.

The purpose of this morning's briefing is to assist the committee with its examination of the bill. This briefing is a proceeding of the Queensland parliament and is subject to the standing rules and orders of the parliament. It is being both recorded and broadcast live on the parliament's website. Media may be present. The media rules are available from committee staff if required. All those present today should note that it is possible that you might be filmed or photographed during the proceedings and that images may also appear on the parliament's website and/or social media pages. I ask everyone to turn off mobile phones or switch them to silent mode.

Only the committee and the invited officials may participate in these proceedings. Any person may be excluded from the briefing at my discretion or by order of the committee. I remind committee members that officers here today are to provide factual or technical information. Any questions about the government or opposition policy should be directed to the responsible minister or shadow minister, or left to debate on the floor of the House.

We will now hear from representatives from the Queensland Police Service and the Crime and Corruption Commission.

COWDEN, Assistant Commissioner Sharon, Ethical Standards Command, Queensland Police Service

HACKETT, Senior Sergeant Gavin, Instructing Officer, Legislation Branch, Queensland Police Service

HORTON, Chief Superintendent Glenn, Operations Commander, Ethical Standards Command, Queensland Police Service

MACSPORRAN, Mr Alan QC, Chairperson, Crime and Corruption Commission

WRIGHT, Acting Deputy Commissioner Tony, State Discipline Office, Queensland Police Service

WYATT, Acting Inspector Steven, Legal and Policy Unit, Ethical Standards Command, Queensland Police Service

CHAIR: Good morning to you all. I will first ask the Queensland Police Service to make an opening statement on the bill and then I will ask Mr MacSporran QC for an opening statement. After that, committee members will definitely have some questions for you.

Assistant Commissioner Cowden: Thank you, Chair and committee. I commence by also acknowledging the traditional custodians of the land upon which we meet. I pay my respects to elders past, present and emerging. I would also like to pass on the apologies of Commissioner Ian Stewart who most certainly was pencilled in to be here this morning. It was at late notice that a matter has come up and he apologises. I do pass on those apologies to the committee. I have a prepared statement that I will read for the committee.

Public Briefing—Inquiry into the Police Service Administration (Discipline Reform) and Other
Legislation Amendment Bill 2019

It is a pleasure to brief you in relation to the Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019. I was going to take the opportunity to introduce my team, but I think that the chair has adequately covered the team from QPS. I acknowledge Mr MacSporran as the chair of the CCC.

To meet its obligations, it is essential for the QPS to have an effective and comprehensive police discipline system. Without an effective discipline system, police officers have no guidance about the appropriate standards of behaviours and may not be accountable if they have acted inappropriately. Critically, the community will lose faith in our people and our organisation. Without the community's support, our work, which is already very difficult, would become much harder.

Historically, the police discipline system has been the subject of various criticisms. These include the length of time that some discipline matters have taken to be finalised, the overcomplicated nature of the proceedings and the focus on punitive sanctions rather than promoting behavioural and cultural changes to improve the QPS as a whole. I am pleased to say that this bill, supported by the associated policy, will introduce a new police discipline system that addresses these concerns whilst maintaining the system's accountability and fairness.

The bill represents a culmination of years of effort and involves input from multiple agencies and from stakeholders. I think it is important that I thank Mr MacSporran as the chair of the CCC. He headed a review into the current discipline system and actually united all of the relevant stakeholders to bring them together as a working group, which brings us to this point in time today. I am sure that Mr MacSporran will talk a little about that process, if the committee is interested in that. The working group consisted of representatives of the QPS, the CCC, the Queensland Police Union of Employees and the Queensland Police Commissioned Officers' Union of Employees. This working group agreed upon the framework and the concepts to improve the current discipline system. Through continued consultation, collaboration and cooperation, a bill has been produced that will introduce a police discipline system that meets the contemporary needs of a policing organisation.

I am aware that the committee is in possession of the bill and the associated explanatory notes. I appreciate the time constraints facing the committee in terms of this briefing and I do not intend to repeat all the information in your explanatory notes. I will make a couple of observations, if I may, and comment on some of the facets of the new police discipline system that I consider to be important. Before doing so, I will reinforce that certain aspects of our current system will not change. Our police discipline system will continue to apply to police officers, police recruits and former police officers of the QPS who have left its employment after grounds for discipline have arisen. An officer who is the subject of an allegation of inappropriate behaviour retains a right to contest those allegations and certain officers, who have been prescribed officers, may impose disciplinary sanctions on those subject officers if the allegations are substantiated.

It is from that foundation that the bill makes a marked impact by introducing new management practices and improvements. The bill improves upon the current sanctions by introducing new sanctions that are better graduated and more able to be tailored to address an individual officer's inappropriate behaviours. The new sanctions include suspension from duty without pay for a period not exceeding 12 months, disciplinary probation, comprehensive transfer, local transfer, performance of up to 100 hours of community service and an increase in the maximum fine from two to 50 penalty units.

The use of these sanctions has been considered in light of the objectives of the bill, reflecting modern management practices. The new police discipline system makes provision for the improvement of subject officers through modifying their behaviour by providing guidance, correction and rehabilitation, which leads to benefits for individual officers and our organisation as a whole. This is achieved through allowing professional development strategies such as mentoring and additional training, which will reduce the risk of reoffending behaviour and improve the performance of subject members by addressing the underlying causes that lead to inappropriate behaviour. Rather than simply imposing a punitive sanction on a subject officer, these strategies give a subject officer the opportunity to reflect on their behaviour, to enhance their professionalism and to develop and improve.

Additionally, the bill introduces management processes to alleviate concerns about the time it takes to finalise discipline investigations. Firstly, time frames for the institution of discipline proceedings and the finalisation of investigations are established, so that generally most disciplinary investigations will be resolved within 12 months from when the complaint arose. Secondly, the bill enhances the efficiency of the investigative process and discipline process through establishing the abbreviated disciplinary process, the ADP. The ADP will allow a subject officer to elect to fast track a discipline investigation and matters that are not in dispute.

Public Briefing—Inquiry into the Police Service Administration (Discipline Reform) and Other
Legislation Amendment Bill 2019

Another important measure introduced by the bill is the establishment of a central discipline unit dedicated to conducting discipline proceedings as distinct from the Ethical Standards Command, which will continue to investigate the complaints about the behaviour. Acting Deputy Commissioner Wright is currently heading up that disciplinary unit. He can talk to the committee in relation to how that has been progressing so far.

The central discipline unit will be assigned an assistant commissioner who will have the same powers to impose disciplinary sanctions as a prescribed officer holding the rank of deputy commissioner. Similarly, an officer of the rank of chief superintendent will be assigned to this unit and will have the same powers to impose the disciplinary sanctions as an assistant commissioner. These will alleviate the need for other deputy commissioners or assistant commissioners to attend to discipline hearings and provide them with increased opportunity to manage their heavy workloads and responsibilities associated with running a region or a command, so the discipline unit sits separate. This demarcation ensures natural justice is maintained as senior officers overseeing a discipline investigation will not later be involved in actually hearing discipline proceedings or the imposition of a disciplinary sanction that may result from those proceedings.

Finally, the bill impacts upon the review rights of subject officers, the QPS and the CCC. Critically, the CCC's ability to monitor the police discipline system will not be diminished. Rather, it will be enhanced as the bill not only maintains the current arrangements but also allows the CCC to review all QPS disciplinary decisions, including the decision not to institute disciplinary proceedings against an officer.

This bill makes a root-and-branch reform to the police discipline system that will serve our officers, our organisation and the community well into the future. My colleagues and I are very happy to answer any questions in relation to this bill that the committee has. I will pass back to the chair.

CHAIR: Thank you very much, Assistant Commissioner. Mr MacSporran, would you like to give a brief overview of the bill to the committee?

Mr MacSporran: Thank you, Mr Chair. I also acknowledge the traditional owners of the land on which we meet and pay my respects to the elders past, present and emerging. I thank the committee for the opportunity to appear before you today and make this statement and also to answer any questions you might have about the bill and its proposed application. Can I say firstly by way of background to assist the committee in its task in evaluating the proposal, as Sharon Cowden has said, this is the product of a fairly extensive, impressive piece of work in the sense that when I first came to my position late in 2015, given my background included a lot of work in this jurisdiction both for and against the Police Union and subject members, I understood fairly clearly how fundamentally flawed the discipline system was and how important it was that it be fixed. I also understood as well that there had been a number of high-level reviews carried out over a number of years, all of which had recommended major reform of the kind that we are now dealing with, but through the fault of no-one in particular none of those reform measures had been advanced. Governments had changed, personnel had changed and for whatever reason, or for a variety of reasons, those reforms had not been progressed at all.

In June 2016 I facilitated a bipartisan meeting, including the Attorney-General and police minister, shadow Attorney and shadow police minister, both police unions, ESC, QPS, more generally the Commissioner, and myself, and proposed that we needed to fix this system and we needed full support from both sides of the parliamentary debate to make it happen otherwise it would never happen. Everyone to their credit immediately agreed that it was an important reform that needed to be progressed and then we formed a smaller subcommittee and started to work through the issues. There were robust discussions, there was compromise, there had to be give and take, but ultimately I have nothing but praise for all of those stakeholders who participated because at no stage was there ever a show-stopping problem that could not be solved. It is just another testament to what can be achieved if there is the will to cooperate and work through the issues. That is what has happened here.

It resulted in October 2017 with that same group I mentioned earlier meeting again to sign a memorandum of understanding to reflect the principles upon which this bill is based. All of the parties, including the shadow ministers, signed the memo of understanding and then the matter went to the parliamentary draftsman and that high-level, detailed cooperation between the stakeholders continued during the process while the parliamentary draftsman was setting out the provisions that you now have before you in the bill. I think it is an outstanding success. I am very confident that it will be a highly relevant piece of work that will ultimately completely reform the flawed system that we have had in the past. It addresses all of the issues such as timeliness, fairness and consistency.

Public Briefing—Inquiry into the Police Service Administration (Discipline Reform) and Other
Legislation Amendment Bill 2019

Fundamentally relevant to its reform process is the notion that the investment in the training and equipping of a police officer is a significant investment for taxpayers, that if the conduct is not so serious as to warrant dismissal from the service every attempt should be made and will be made under these proposals to correct bad behaviour, to have the officer gain some insight and to become once more a valuable member of the service. If you can save them they should be saved, if the conduct is so serious that they fundamentally undermine confidence in the service they should be weeded out and for that purpose some of the sanctions will be ultimately more serious than those in the past.

Every part of this bill is designed to reform that entire system. We have been so confident in its worth that whilst waiting for this process to proceed, since late last year we have been actually trialling all of the aspects of these provisions that can be trialled before the provisions become law. We have had, for instance, over 50 referrals to the abbreviated disciplinary process which cannot proceed without our consent, the CCC, as a fundamental safeguard that members are only being appropriately offered that where it is appropriate. Of those 50-odd there has only been a handful, less than 10 per cent, that we have failed to agree to and some of those have been further negotiated and have come back to the process and then gone through. The idea of that is to take away the greater bulk of disciplinary matters that are not so serious that they cannot be dealt with in an abbreviated fashion. That will obviously lead to more timely disposition of those matters and to have the behaviour of the officer very quickly corrected and for them to move forward.

The other fundamental plank is that where behaviour can be corrected by managerial guidance there should be a genuine attempt to offer that with a structured, documented program that the officer will have to sign up to and it will be monitored and at the end of it, it will be signed off by both sides, the service and the officer, to reflect how it worked and, where it did not work, why. That whole record will then be available on the officer's disciplinary record in case there is any further misbehaviour. It is designed, of course, to capture the attempts that were made to correct the behaviour, give the officer another chance and if they offend again it is a more serious offending and possibly a more serious consequence for them, which is no different from ordinary employment, as I am sure you understand.

I highly recommend these provisions to you. They are in the process of being trialled successfully. The secret now is to make sure that the system continues to work and where it does not that it can be tweaked as it is performed. There has been some tweaking already of some of the provisions to make sure they continue to work into the future. It is important that these things progress quickly so that officers who are subject to these provisions can understand how successful they are and what a great benefit it is to the service, the community and the officers themselves. I am happy to answer any queries about any of these provisions. Thank you.

CHAIR: Thank you very much, Mr MacSporran. I now ask the committee for any questions. I note that the deputy chair has a question that he would like to ask.

Mr STEVENS: My question is to Mr MacSporran as the independent arbiter in these matters and probably the learned legal expert on what should and should not be in this legislation. The bill proposes to remove the need to make a distinction between misconduct and breach of discipline and instead create grounds for disciplinary action. How does the current distinction between misconduct and breach of discipline create issues?

Mr MacSporran: What had been happening, our jurisdiction to review the decisions in that disciplinary process depended upon the matter being characterised as misconduct as opposed to a breach of discipline. What could happen and had been happening, although only in isolated cases, to avoid our jurisdiction and our review rights there was a characterisation of some conduct that we clearly believed was more serious than a breach of discipline, which is the lowest level of breach, deliberately to avoid our jurisdiction. There are a number of cases that have been decided in QCAT that have ruled correctly that we had no jurisdiction if the matter was characterised as a breach of discipline. Whether in fact it was or not, that characterisation defeated our jurisdiction. The other area was where a decision not to take disciplinary action was also an impediment to our review rights, exercising our jurisdiction. This bill corrects that by just calling it all misconduct. However it is characterised the true nature of the conduct can be examined and, if necessary, the CCC has a right of review to QCAT. It really increases our oversight ability and corrects a fundamental problem under the old system which we had flagged for a number of years.

Mr STEVENS: I have a follow up question on that.

CHAIR: If there are other people on the panel who think that there is a contribution that would add to that they are welcome to continue to answer the question.

Mr STEVENS: To follow up, I am aware that there are some QPS officers currently involved in court matters. You said you have been trialling this new system since late last year. Had this new system of differentiation in behaviour been in place previously, would that have perhaps prevented the current situation we have for these officers in the court system, without mentioning anything about cases? In other words, would retrospectivity on this bill have assisted in some disciplinary matters that may well be before the court now?

Mr MacSporran: It could do. I think at the end of the day there will always be a backlog which we are very aware of and wanting to progress, matters under the old system. There are some matters that have been around for a long time and that is one of the complaints about all of this. I do not think making this bill retrospective, which would be a huge step against the ordinary principles, as you know, would be necessary in this case. I have worked closely with Assistant Commissioner Cowden to try to get this backlog dealt with and once this new system is up and running that will be more easily achievable because a lot of matters will go to the abbreviated system and not take up valuable time that would otherwise be spent. I think whilst there are some matters that would have been dealt with more expeditiously and appropriately under this new system, I do not believe personally that it is a case that is so serious that it needs to be made retrospective to deal with those matters.

Ms BOYD: I am interested in the abbreviated disciplinary proceedings. Mr MacSporran, you said you have had 50 referrals go through and less than 10 per cent of those have failed to be agreed to. These are for disciplinary proceedings where there is little doubt that the conduct has occurred and the officer readily admits to the conduct. I am particularly interested in the provision that if fresh evidence comes to light that is in addition to the disciplinary proceeding, that that can then come back and be revisited. Can you talk through for the committee how that will actually work so that we have a clear understanding? I wonder if there may be perhaps a small amount of people who would say yes this is the disciplinary proceeding that I admit to however there may be more to it.

Mr MacSporran: That is the whole reason that provision is there: as a fail safe, if you like, because once the CCC has agreed to the abbreviated system going through, we immediately lose our review right. The idea is to contain it, make it timely, get it off the books and have it dealt with appropriately. If in the unusual case further evidence arises to make the conduct that we agreed to far more serious well we clearly have a right to step in and exercise our original jurisdiction through QCAT or charge a criminal offence. There is no time limit on a criminal offence proceeding anyway, but it certainly would be able to derail the abbreviated process. We do not think that will happen very often. It has not happened very often in the past. There is one matter, believe it or not, that is about seven or so years old that is currently before QCAT. It has been argued but the decision is reserved. It is exactly a case like this that would have invoked this fail-safe provision in the sense that it was agreed to be an abbreviated process, but the facts upon which that agreement was reached were twisted, if you like, and not fully revealing the conduct. When we found out we exercised our original jurisdiction. That was appealed. It went up and down the Supreme Court and Court of Appeal and then came back to us exercising our original jurisdiction in QCAT to charge the conduct as revealed by the extra provisions and that went through the appeal process and is currently awaiting decision.

That was a rather exceptional case, frankly, and I think the goodwill that exists now between the service and the CCC and, of course, the subject person who is applying for the abbreviated system would well understand that it cannot go anywhere if there is some fudging of the facts or some deception about what the true facts are. I think it will be a very rare case where we would have to invoke that provision but it is there as a fail safe.

CHAIR: The provision is to encourage that all of the facts be put on the table at the point of an abbreviated proceedings.

Mr MacSporran: Absolutely. If you really are genuine in wanting to admit the conduct and that is the full extent of the conduct and you want to get on with your service, as does the QPS itself and the CCC, it would be a very silly move to be trying to play games with what the facts really are and if you do and you are found out the consequences will be very serious. That is the message.

CHAIR: In a legal system sometimes there is only a limited admission of behaviour or facts whereas this one has a different process in that you may open yourself up to a further process if you have not admitted it. It is quite different in that respect.

Mr MacSporran: It is. It is similar in the sense that a major fact upon sanction would be the level of insight the officer has and the preparedness to accept the misbehaviour as being what has happened and they express remorse, if you like, and want to correct the behaviour. That is similar, but a full and frank admission is required before you get in to that process, appropriately.

Assistant Commissioner Cowden: The part about having the ability to step back from the ADP process is it is the safety net. We may have certain circumstances where we will go through an ADP process but then fresh information comes to light, maybe from somewhere else. That is partly the additional safety net around that. We have here Acting Deputy Commissioner Wright who has actually been undertaking some of the ADP processes if that is useful to understand that from the committee's perspective as well.

Ms BOYD: For the ADP process, do the sanctions differ through this process as it would for a general disciplinary process or do the sanctions remain the same?

Deputy Commissioner Wright: The sanctions flow equally across what is in the legislation. There is a consultation process between the professional practice management, the police ESC officer and the member about the range of sanctions that would be considered. If the officer agrees to that, the ADP then proceeds to the CCC. If they agree with the sanction, the matter will then proceed and be dealt with fairly expeditiously. If for some reason the officer feels that the sanction is a little bit harsh, they can opt out. Then it proceeds to a discipline hearing, which is a lot more time-consuming. It means going through all of the evidence that is available as opposed to an officer putting up their hand and saying, 'I did the wrong thing and I'll accept the sanction.'

Ms BOYD: If we look at the ADP like a plea deal, for instance—

Deputy Commissioner Wright: An early plea of guilty.

Ms BOYD:—the only real incentive is the time frame, not necessarily the sanction.

Assistant Commissioner Cowden: That is right.

Mr MacSporran: Because it only applies in the less serious examples of misconduct, I think the reality is that just on the merits the sanctions will be lower than they would ordinarily be through the full process. Not necessarily always, but most often the incentive is that if you own up to it, if it is conduct that is not so serious that it needs to be dealt with more seriously, you will get credit for that with a lower sanction.

Ms BOYD: Where does that threshold exist?

Mr MacSporran: That is really a judgement call. The focus currently, as you know, is on unauthorised access to information on the QPRIME database.

Ms BOYD: Which is common, right?

Mr MacSporran: Even a one-off can be a criminal offence of computer hacking under the Criminal Code. The service is currently looking at a matrix of like sanctions depending on circumstances. Some of those, we think, will end up in this abbreviated process because they might be one-offs. Where there is no nefarious purpose other than stupid curiosity—which is an excuse you hear often—and it is only literally a one-off, there are full admissions about it and a preparedness to accept the behaviour, gain insight and take on some management, that may end up in an abbreviated system. There are a whole lot of things, but just bear in mind that the threshold has to be the less serious sort of stuff that can be dealt with.

Ms BOYD: Who determines that?

Mr MacSporran: The service can make the offer to the member, or the member can make the application to the service. Whatever is agreed, it then has to come to us for sign-off. In cases where we have stepped in and not agreed we have said, 'We see that the conduct is appropriate for this process potentially, but we think the sanction is a little too low.' We might say that a sanction at the next level up would be acceptable to us. We have had cases where the member has come back and said, 'On the basis of that increased sanction we will still go down that path if you will consent,' and we have consented. I think that is a good example of how the system is pushing along, if you like. It is all about cooperation, insight into conduct and wanting to get it done quickly.

There is one other thing I should have said in my opening remarks. This is probably important even though we are working very closely together. The CCC jealously guards its independence in this process. I must also say—and the guidelines have recognised this from day one—that the independence of the service itself and the ESC command in particular are also jealously guarded. We have ongoing discussions about these things—not to interfere, but simply to arrive at an appropriate outcome. If at the end of the day—and it has happened, although infrequently, I am pleased to say—if we cannot agree on what is an appropriate way forward, we simply agree to disagree. But we are very keen to maintain our independence, as we should, because that is a fundamental plank in this whole process.

Assistant Commissioner Cowden: I want to make a comment in relation to the specific question about sanctions and whether they are different for the ADP process. The sanctions are the sanctions and the ADP is a process, so there are no different sanctions. Whichever path you take, the ADP process is about accepting the facts of a case, wanting to learn the lessons and wanting to move forward quickly to that point. The sanctions are the same for both, if that helps.

Insp. Wyatt: Can I clarify one point, which I think was part of the question, about which matters can go to ADP and where is the cut-off? Technically, there is no cut-off. The officer has to be willing to accept the conduct and an appropriate sanction. We have one matter going through at the moment—and it appears it will be a successful ADP—where the sanction is demotion, which is one of the very serious sanctions. It does not necessarily rely on seriousness but the officer's willingness to show insight and say, 'I accept, and I understand that I am going to get this range of sanctions.' Obviously, if somebody is looking at dismissal they will want to fight it all the way and so it would not be appropriate, so there is no real cut-off except for the officer accepting the appropriate sanction.

Mr PURDIE: My question is probably more directed to the police. It is a more structural question for the department. I appreciate how important this legislation is, as you said in your opening address, Assistant Commissioner, not only to set clear boundaries for police but also to maintain public confidence. Maybe Chief Superintendent Horton can give the committee some indication by way of general statistics of the number of discipline activities the QPS undertakes per year. What is the burden to police in terms of how many investigations you are carrying or complaints you receive?

Chief Supt Horton: Ultimately, I am responsible for managing the bulk of complaints or allegations against police that come to the QPS. Under one of the principles of our complaint reform project we look at the devolution of the management and actioning of these complaints to a lot of my colleagues, senior managers across the QPS. A lot of the actual decision-making in terms of local management resolution, investigations and how they are finalised occurs within the districts and regions across the state. At Ethical Standards Command I am responsible for governance just to make sure this all works. Just to put some metrics and some context around the number of complaints per year, we get about 2,000 complaints against members of the service, the QPS, per year ranging between 2,000 to 3,000 allegations. There is a difference between the two. I am a member of the public, Glenn Horton, and I make a complaint against an officer, so there is one complaint but there could be three or four allegations. The complaint could talk about excessive use of force, attitude, demeanour, duty failure—so 2,000 complaints but 2,000 to 3,000 allegations that we are dealing with each year.

Of course, some of these become quite aged, quite old. At the moment across the QPS for all complaints we are dealing with just under 670 to 680 complaints within Queensland. They can both be historic matters as well as matters that have arrived in the last couple of months. Under the process now we are looking at trying to deal with those complaints as efficiently as we can. We do an initial assessment. Sometimes, if we have sufficient information before us that we understand the width and the depth of the errant behaviour, we might determine up-front that it requires an investigation, so we might do it within my area, the general investigations group. We might refer it out with some guidance to a district or region to do an investigation. But most importantly, under the reform project and this bill if we can deal with it via professional development or managerially we should deal with it that way, because the aim of the legislation and the bill is about performance and professionalism and being an effective officer rather than punitive measures. I hope those general metrics will assist you.

Mr PURDIE: Further to that question, obviously we have just been talking about the streamlined process, the ADR process. Logistically, does this new legislation have a bigger impost on the police and the Ethical Standards Command? Obviously the state discipline office has been stood up, so will this new legislation streamline the process and make it more efficient? Does the QPS think it is going to be more effective or efficient with the new department and restricted time frames for some investigations?

Chief Supt Horton: I might speak to the first part of that question. From an investigative perspective, if we can close down or restrict the width and the depth of investigations it would do to move to some type of professional development, hearing or abbreviated discipline hearing. The quicker it is, the better it is for the officer and the organisation. Once we have determined that we have enough information before us to understand what has occurred, what was the behaviour, we think we can adequately deal with it and we are determined to make an offer for an abbreviated disciplinary proceeding, it is good for the officer and it is good for us because we are doing less lengthy investigations than we did in the past.

If an officer, as the chair of the CCC mentioned earlier, shows insight and accepts their behaviour, it is a simple statement of fact, a one- or two-page document that says who, what, where, when, why, how. 'On these dates you did this: do you accept that?' It is far shorter than going through

a full disciplinary hearing where it is like a full brief of evidence for a major court matter. I think the disciplinary hearing officers probably get some advice on brevity or how quickly that has moved through in recent times.

Deputy Commissioner Wright: To give you some explanation of my office, we were established in the middle of last year. It consists of myself and Acting Assistant Commissioner Marty Mickelson. We undertake the more serious disciplinary hearings, or ADPs, that are currently running in the service. Our remit is to deal with a lot of the backlog. There are some matters that are some years old and that is not good for the officer, the complainant or the service. Our process is to streamline those and to bring that backlog to a very manageable number, particularly as we move into the new legislation.

We maintain our independence. We are independent of the Ethical Standards Command, and we deal only with the briefs as they are handed to us. With the two of us making those decisions it brings greater consistency to the decision-making and greater consistency to sanctions that may be provided to officers. The ADP process, as the Chief Superintendent has mentioned, abbreviates the need for long and lengthy investigations of officers. If the officer wishes to admit to the particular matter that is being investigated or under scrutiny, it does allow us to not have to go through an entire investigation but again abbreviate that whole process. It will be streamlined, and that will make it timelier for the officers and benefit all who are involved.

Assistant Commissioner Cowden: I will add to that, if I may. We have spoken a lot about the process, how that will be streamlined and the benefits to the organisation and/or the officers, but the community is very much front of mind. Part of this whole bill and the system being broken, if you like, and needing some reform was that there are many stakeholders in this type of system, and the community is front and centre. When we can move a process through more quickly or we can make a matter abbreviated so people do not have to give evidence, all of those sorts of things also benefit the community. Part of the feedback from the community was that the system was not meeting the needs of people who had the courage to come forward and say, 'I am not comfortable with that behaviour' and allow us to understand what exactly that was and move forward. Whilst we do have benefits, I think it is really important that the committee and the community understand that it is about being conscious of the needs of the people who want to come forward as well, and I think the bill will assist that front and centre. I want to make a comment in relation to some of the statistics so that you are aware. Whilst we have hundreds of files that are currently open, some of them sit in the court system—so are essentially done—but we need to wait through that process.

CHAIR: We spoke about 'member of the public Glen Horton' making a complaint. From their perspective, if there is a process where it is abbreviated, will the person who has made the complaint see the process of what admissions were made and what facts were agreed upon and have an understanding of that throughout the process? How does that work?

Assistant Commissioner Cowden: I am happy to make a comment upfront. The principle is around understanding that it does take courage to come forward and confidence in the QPS to make a complaint. I believe that we need to focus more in that space. Where we can—and that can be the tricky part—we need to keep people abreast of where we are in the discipline process, as well as more about the results and what has actually happened. That is where we want to be with this. It can be difficult in terms of specifics around exactly what detail that goes into. I am happy for someone else to build on that.

Chief Supt Horton: I am happy to speak a bit further. For each complaint made, we do provide written advice back to the complainant at the end of the process to say what the outcome was: whether the matter has been unsubstantiated or substantiated, if an officer has been through a disciplinary hearing, if a sanction has been applied. Sometimes it may give the detail; other times there may be some privacy restrictions about how far we can go in terms of fines.

Throughout the complaint process, there is a case management procedure that runs through. At Ethical Standards Command we have what we call professional practice managers who are placed in every district and region across the state. They, as well as the investigating officer, keep regular contact with complainants and give them an update as to where we are progressing a matter. Sometimes at the end of the process I will concede there is dissatisfaction from complainants. There will be some people for whom dismissal or demotion is the only thing that they think can resolve a matter. Sometimes that is irreconcilable, to get those two across.

I think the bill balances what the organisation is trying to do with the larger organisation in Queensland to have an effective Police Service of just over 12,000 members and, if we have an aberration or if we have some poor behaviour, that we correct that, we guide it and we improve it. If we cannot deal with it that way, we look at a more serious sanction or just a matter that can include demotion and up to dismissal.

Ms RICHARDS: I am interested in where consent is not received from the member in terms of their ability to have independent representation during disciplinary hearings; can you elaborate a little further on that? With regards to the bill's enshrining an officer's right to contest allegations in part 7 of the act and part 5 of the Crime and Corruption Act, could you talk us through the processes available to officers in terms of rights to appeal and access to natural justice?

Snr Sgt Hackett: The abbreviated discipline process, as you have heard before, is completely dependent upon the subject officer accepting that before it moves forward. In most instances, the subject officer will be a member of one of the two unions and they are afforded representation through those processes. If they are not a member of those unions, they can seek their own representation outside of that.

In the instance of the abbreviated process, if no agreement is able to be reached and consent given by the subject officer to continue forward, it automatically will fall into the full discipline hearing process. Matters that are not suitable for the abbreviated process will circumvent and go directly to that situation. From there, the prescribed officer substantiates or unsubstantiates the matter. In the case of substantiation the subject officer can ask for a review of the matter before QCAT in relation to either the finding of substantiation or the sanction that was imposed. If the matter is not substantiated, obviously the subject officer would be unlikely to review that decision, but the CCC can review that decision and the CCC can also review the sanction that was imposed if it is substantiated. The bill affords the CCC their new ability to apply for a review where the QPS decides not to actually implement any discipline proceeding, whether it is in the ADP or the full process.

Mr O'CONNOR: In terms of the figures, what proportion of disciplinary matters would you expect to go through the ADP? Do you have a comment on that?

Snr Sgt Hackett: Probably from the drafting perspective of the bill, as Acting Inspector Wyatt touched on before, there is no limitation to what type of matter goes through there. I think everyone would be happy if every single matter could go through the abbreviated process, because that would provide the efficiencies to a maximum level, but also indicate that the officer is accepting the conduct and wishes to move forward. However, as a matter of reality, obviously there will be some matters that are not suitable, whether it is because the CCC does not agree to the sanctioning imposed; the officer will not accept a sanction of that level—they believe it should be substantially lower; or alternatively the matter may just be too serious or too complicated to put through the abbreviated process. It is probably difficult, from my perspective with the bill, to put any indication on that. However, from a practical perspective on the amount of times that have elapsed so far, perhaps Deputy Commissioner Wright may know?

Deputy Commissioner Wright: I do not have the figure that you were after, but in relation to the ADP process, as Mr MacSporrán said, most have been accepted by the officers. They have agreed to it. They have either asked for the ADP or it has been offered to them as part of the discipline process and, through consultation with their union and the CCC, they have agreed that the penalty is suitable and it really has expedited the process.

The chief has just provided some information. So far under the legislation, in agreement with the CCC and the unions, we are trialling some of these processes. Fifty have been offered, 24 have been finalised and currently we have 18 active. Again, those are the ones that we have done; it is not what it is into the future. I agree with Senior Sergeant Hackett that most people accept the ADP process. It is a fair process and, more so, it is a timely process. You do not have this weight hanging over you for extended periods, as we have seen in the past.

Mr O'CONNOR: Will this cause issues resourcing wise, particularly for the CCC with your expanded oversight of that?

Mr MacSporrán: It does in one sense, but bear in mind that all of these matters are looked at by us anyway; it is just a matter of looking at them with a slightly different lens. If I could add a comment in terms of numbers that might come through, I am hoping—and I think realistically expecting—that once the system is up and running for a longer period and people understand how successful and how good it is, more and more people will want to be part of the ADP. That is the way it is designed, to expedite things. With timeliness, consistency and fairness underpinning it all, I think it will catch on.

Mr O'CONNOR: Finally, how does this system compare to other state and territory jurisdictions?

Snr Sgt Hackett: As part of the drafting process, obviously we looked at other jurisdictions. Every jurisdiction around the country has its own legislation in relation to police discipline. It is difficult to make direct correlations to other jurisdictions. That may be in relation to the industrial matters in Brisbane

those jurisdictions that may well be unique to them, as opposed to here. We also have the CCC involvement in Queensland, which may or may not be reflected elsewhere. We have not based this bill upon any direct correlation in other jurisdictions. As Mr MacSporran mentioned earlier, it is work that has been put together by the various stakeholders to solve Queensland's unique needs and overcome the historical problems that have come to the fore in the past few years.

Assistant Commissioner Cowden: I have had the opportunity to speak to some of my colleagues in other states. When you think about this bill, we are in a unique position that some of my colleagues are envious of, because we have agreement right across the state in terms of unions, the QPS and the CCC. It has been developed with the support of all the key stakeholders. That is something that is probably unique.

The other thing with this that has been really successful in the past six months has been the State Discipline Office. We are starting to see more consistency, because all of the matters are going into the State Discipline Office, instead of being sent out across the state for an individual to hold a hearing in different areas. Just setting up the State Discipline Office is starting to assist in terms of the process and also making sure that we are getting consistency, which is important in terms of fairness, whichever side of the fence you are on.

In answer to the question, whilst it is difficult to directly compare, there has been give and take on all sides in relation to this. The bill that we have is well and truly supported and does not sit in one particular field or lend itself to be fantastic for one stakeholder to the disadvantage of another stakeholder. It has been quite successful. The trial, as we are working through it, seems to be working out well.

Mr MacSporran: If I could add one comment. One thing that we do not have here, which certainly is in New South Wales and it may be in other jurisdictions, is what is called a commissioner's loss of confidence power. The effect of that simply is that if the conduct is of a certain character, the commissioner has a right in those jurisdictions to show-cause the officer as to why they should not be dismissed. It is a fairly controversial power. The Police Union here strenuously resisted, as part of the process we have engaged in here, any such loss of confidence power being given to our local commissioner.

My view—and the view was accepted ultimately—is that with this bill you do not need that power if you deal with the officer fairly but expeditiously, because there is no difference between a commissioner's loss of confidence and the internal processes if the conduct is serious enough; effectively, presenting the evidence to the officer and saying, 'You have 14 days or whatever to convince me that you should not be dismissed'. It is exactly the same. Employment law would suggest that that is exactly what you can do, but you have to have the evidence. The officer has to have the ability to answer the allegations, with representation if necessary and at a hearing if necessary. They have to have an appeal right, which is preserved. That whole concept was dealt with as part of the negotiations for this. I think the system proposed in this bill is far superior to any other jurisdiction, frankly, because it has been arrived at, as Sharon correctly says, following consultation and collaboration at every step of the way.

Ms BOYD: I am interested in discipline reform. We have talked about its ability to expedite proceedings. We have talked about some efficiencies along the way, as well. With this new system, are there some cost savings? Are they able to be quantified at this point, either expected or estimated?

Mr MacSporran: It would be difficult to actually quantify them. The anticipated outcome is that ordinarily, as you would expect with efficiency, you will get savings. The less time you have to spend on individual disciplinary matters, the more time you have to do other ones and other work. Ultimately, it will self-evidently, we think, save resources, quite apart from the other flow-on effects we have talked about, but I cannot quantify it.

Oddly enough, it has soaked up more resources for both the service and us in the implementation phase, because of the need to put extra resources on triaging complaints and making sure we are all on the same page about the seriousness or otherwise. Over time that will diminish. It is already trending down. As the system gains momentum, there will be further savings. However, I cannot personally quantify them just yet.

Assistant Commissioner Cowden: The other thing that I would mention is that we expect that there will be less appeals because of this consultation process before a sanction is determined. I think that we can rightly expect that we will have less appeals, so obviously we would expect that sort of saving.

CHAIR: Also if an officer is suspended or put on other duties for a period and at some point in the process they return to duties, there is an efficiency cost for the Queensland public in not having that officer available to do those duties pending a long process. That must be an efficiency, as well?

Assistant Commissioner Cowden: Absolutely, Mr Chair.

Mr MacSporran: Most definitely. To put a human face on it, if I may, for individual members to not have that long period of suspension or be on other duties and to bring it to a timely conclusion for their own wellbeing and their family's wellbeing is a greater outcome and one that cannot really be measured.

CHAIR: Certainly for the Queensland public, if that officer is to be returned to duties, we want the process to be done as efficiently as possible and then they can continue, with appropriate sanction, to serve the Queensland public as soon as possible.

Mr STEVENS: To follow up on that, it is clear for me in terms of costing for the Queensland Police Service budget that this new regime, Assistant Commissioner, you believe will not be—and I think of the Queensland Racing Integrity Commissioner—another large-budget item in the regime in terms of costs, so you will not have to allocate more money from another section of your budget. Are you advising the committee that it will be at least cost neutral and there may even be savings involved in the process?

Assistant Commissioner Cowden: That is how we would expect to see it. There are no additional costs. It will be around the system and how we move through that process exactly. As we tweak the system, there might be some small associated costs with it, but there is nothing that is foreseen that I would need to bring to the attention of the committee at this point. When you balance that against fewer appeals and the benefits of bringing discipline processes through more quickly, we should see that once we get our legs and start running in relation to this.

Ms RICHARDS: With such a big root-and-branch review and the cultural change that comes as part of that, how will the communication process work into the community, so that they have confidence in the system that is being repaired and will no longer be broken? Would anyone like to talk to that?

Assistant Commissioner Cowden: When we signed the MOU at the end of 2017, we were keen to put that out into the public and the media, and there was a little bit around that. As we go through, there is a need to continue to do that and to make sure that the community is aware that some of this change is occurring. It is front of mind. When the QPS moves into any sort of reform area, we always have a communication strategy that picks up internally and externally, so that we can make sure that we are feeding that information out, as well. I think it is important.

Mr MacSporran: The other thing in respect to that is that, over the past seven or eight months or so, we have been doing a road show, that is, Assistant Commissioner Cowden, myself and the head of my police command at the CCC, Chief Superintendent Cheryl Scanlon. We have gone out to the entire state. We will finish the exercise by the end of June this year. We still have to do Rockhampton and Mackay, but we have done everywhere else, including most of Brisbane. We have been explaining a number of things including, and importantly including, the new disciplinary system. We have talked about the background to it, how it came about, what it intends to achieve, that the trial has been very successful. That road show includes talking to the commissioned officers and the NCOs, which include the professional practice managers in the regions who deal with these matters routinely on a day-to-day basis. That has been a very informative and necessary process for the service across the board, to get them on board and engage with this process. As we say, we can talk long and hard about the benefits of this, but they have to understand it firstly and engage with it, and promote it secondly, before it will be successful. We have had very positive feedback, I must say, from that exercise so far.

CHAIR: There being no further questions that concludes this briefing. Thank you for the information that you have provided today. Thank you to our Hansard reporter. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. I note that no questions have been taken on notice. I declare this public briefing closed.

The committee adjourned at 10.35 am.