



Queensland
**Human Rights
Commission**

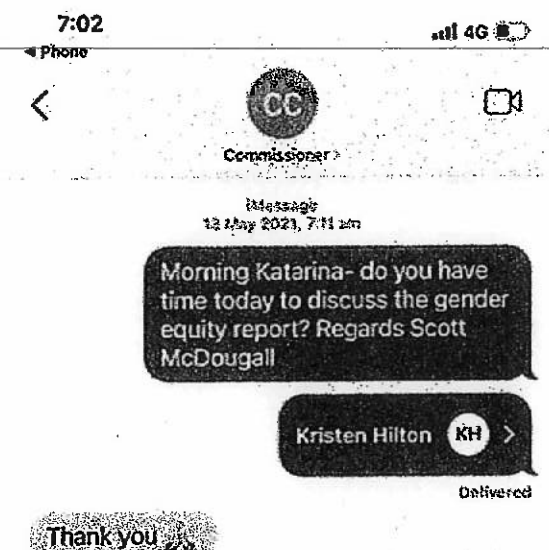
**Commission of Inquiry into Queensland Police Service responses to
domestic and family violence**

RESPONSE TO REQUIREMENT TO PRODUCE DOCUMENTS

NOTICE NUMBER: 7.002

INDEX OF DOCUMENTS

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Our ref: BNE3417137

27 May 2021

Ms Katarina Carroll
Commissioner
Queensland Police Service
200 Roma Street
Brisbane Qld 4000

By email: [REDACTED]

Dear Commissioner

Investigation Arista Report

I refer to our recent discussion regarding the outcome of the above investigation.

I note that the Report has recommended QPS *engage the Queensland Human Rights Commission about the need to increase diversity in the QPS, and develop and implement appropriate strategies to address this.*

I look forward to meeting with you in the near future to discuss how the Commission can assist in the implementation of this and other recommendations.

I also note the correspondence dated 19 May 2021 from the Chairperson of Crime and Corruption Commission Queensland (CCC) to my Commission, which was copied to you. As may be apparent from Mr MacSporran's letter, the development and execution of strategies designed to strengthen workforce diversity involve complex legal and policy considerations that require careful analysis, preparation and communication.

I look forward to working with you to address these challenges.

Yours sincerely

A black rectangular redaction box covering the signature of Scott McDougall.

Scott McDougall
Commissioner

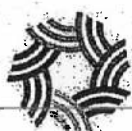
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Queensland
**Human Rights
Commission**

8 September 2021

Ms Katarina Carroll
Commissioner of Police
Queensland Police Service

By email: [REDACTED]

Dear Commissioner

Investigation Arista – response to CCC recommendations

I refer to my letter of 27 May 2021 requesting a meeting to discuss the outcomes and recommendations of the abovementioned report.

I also refer to recent officer level discussions between our Director of Engagement and Corporate Services, Ms Mackayla Jeffries, and your Manager of Recruiting, People Capability Command Inspector Renee Kurtz.

In response to the Investigation Arista report, I understand that there are presently three redress options being put forward for consideration by QPS Senior Executive as follows:

1. All affected male applicants will be considered to have passed the cognitive testing requirements, so they will not be required to repeat that part of the recruitment process. However, these applicants will need to be re-tested on non-static assessments such as medical, fitness and integrity. Costs associated with those tests will be met by QPS.
2. All affected male applicants will be given the opportunity to recommence the recruitment process, including undertaking the new cognitive testing. All costs will be met by QPS and applicants will be 'case managed' throughout the process.
3. Costs will be reimbursed for all affected male applicants (which we understand to be 4,206 men). This option can be used in conjunction with option 1 – i.e. if an affected male no longer wants to join the service they may opt to have costs reimbursed rather than being given the opportunity to recommence the recruitment process.

As you may be aware from media coverage following the release of the Investigation Arista report, I hold serious concerns about the premise upon which the CCC conducted the investigation, and in particular, the CCC's apparent failure to consider

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Commissioner Katarina Carroll

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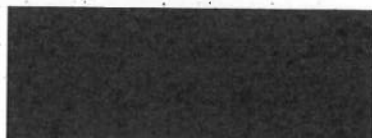
the effect of the equal opportunity measures exemption in section 105 of the *Anti-Discrimination Act 1991*. In my view, actions taken by QPS officers, that were within the authority of the former Commissioner's directive, are at least arguably protected by the blanket exemption, and would not amount to unlawful discrimination. From the information available to me, it would appear that only 6 male applicants were displaced by female applicants who received assistance that went beyond that authorised by the former Commissioner.

A proper analysis of the potential liability of the Queensland Police Service would therefore suggest that there may be a sound basis for compensating the 6 male applicants, however there is no proper basis for the expenditure of public funds for Option 3, i.e. compensating 4,206 male applicants.

In relation to Option 2, I would encourage you to seek further advice about the proposal to provide case management assistance to the affected 4,206 male applicants, particularly if it is not also intended to provide the same level of assistance to female applicants.

Finally, I note the Investigation Arista Report recommended that QPS engage with my Commission about the development and implementation of workforce diversity strategies. I appreciate you are understandably pre-occupied with pandemic related matters however I look forward to meeting with you in the near future to progress these discussions.

Yours sincerely



Scott McDougall
Commissioner

Form 1
QUEENSLAND

Oaths Act 1867

STATUTORY DECLARATION

I, **Scott McDougall**, of [REDACTED] Brisbane in the State of Queensland, do solemnly and sincerely declare that:

1. I am the Commissioner of the Queensland Human Rights Commission (QHRC).
2. On 21 September 2022 I was served with a Notice to Produce Documents (Notice Number 7.002) requiring production of the following documents and information to the Commission of Inquiry into Queensland Police Service Responses to domestic and family violence (the 'Commission of Inquiry'):
 - *A copy of all correspondence between the Queensland Human Rights Commission and the Commissioner of Police, Katarina Carroll, since the release of the Arista Report by the Crime and Corruption Commission in May 2021.*
 - *A written account of any conversations between the Queensland Human Rights Commissioner and the Commissioner of Police, Katarina Carroll, since the release of the Arista Report by the Crime and Corruption Commission in May 2021.*
3. A bundle of documents has been prepared for the Commission of Inquiry in response to the request for correspondence. The remainder of this declaration addresses the request for information about conversations between myself and the Police Commissioner since the release of the Arista Report.
4. At or about lunchtime on or about 12 May 2021 I became aware of the release of the Crime and Corruption Commission's Investigation Arista report after reading an online news article about so called 'discriminatory' recruitment practices in the Queensland Police Service (QPS). I was immediately concerned about the apparent failure of the Report to consider or apply key provisions of the *Anti-Discrimination Act 1991*, namely the exemption for equal opportunity measures. Later that day I read the entire report.

Page 1

Signed: [REDACTED]
Scott McDougall, Deponent

Witnessed by: [REDACTED]

5. At approximately 7.11am on 13 May 2021, I sent an SMS message to the Police Commissioner to request an opportunity to discuss the Arista Report. **Attachment SM-1** to this declaration is a copy of the screenshot of the SMS message. I recall that the Police Commissioner called me on my mobile phone shortly afterwards.
6. During the conversation I expressed my concerns about the damaging implication of the Arista Report being that the former Commissioner's gender equity strategy itself amounted to unlawful discrimination. I also discussed the Arista Report recommendation that the QPS engage with the Queensland Human Rights Commission to develop and implement strategies to increase diversity. I informed the Police Commissioner that I would be happy to work with her on developing a properly planned and implemented strategy in a way that 'took rank and file officers with them'. I noted that the former Victorian Human Rights and Equal Opportunity Commissioner, Kristen Hilton, had undertaken a major review of Victorian Police in conjunction with the Victorian Police Commissioner. Commissioner Carroll said that she needed some time for things to settle before having a conversation about future diversity strategies. I recall that I suggested that if having the Human Rights Commission involved in internal QPS change processes would be counterproductive, then another option would be for QPS to engage Kristen Hilton directly as an independent consultant. I recall the Police Commissioner commenting that she had met Kristen Hilton during the Commissioner's previous role with the Fire Service. The Police Commissioner asked that I send Kristen Hilton's contact details to her which I did later that morning.
7. On 27 May 2021 I wrote to the Police Commissioner noting the Arista Report recommendations. **Attachment SM-2** to this declaration is a copy of the letter. To the best of my knowledge, I have not received a response to this letter.
8. On 8 September 2021 I wrote to the Police Commissioner in relation to proposals being considered by the QPS Executive to provide redress for unsuccessful male candidates identified as a result of the Arista Report. **Attachment SM-3** to this declaration is a copy of the letter. To the best of my knowledge, I have not received a response to this letter.

Page 2

Signed: [REDACTED]
Scott McDougall, Deponent

Witnessed by: [REDACTED]

9. On 15 November 2021, at her request, I met with the Police Commissioner Katarina Carroll and Assistant Commissioner Stephan Gollshewski to discuss the Arista Report. One of the Commission's Principal Lawyers, Julie Ball, also attended the meeting. This meeting occurred at a time when COVID-19 pandemic restrictions were pre-occupying the attention and resources of both the QPS and the Queensland Human Rights Commission. I do not recall there being any significant outcome of this meeting but rather the Police Commissioner provided an update on actions taken by QPS since the Arista Report. I do recall however re-iterating my concern about the potential for public funds to be spent compensating unsuccessful male candidates in circumstances where no liability arose because of the equal opportunity measures exemption.
10. To the best of my knowledge, I have had no further conversations with the Police Commissioner about the Arista Report or the status of QPS gender equity strategies.
11. The contents of this statutory declaration are true to the extent that matters deposed to are within my own knowledge. To the extent the contents of the statutory declaration are stated on the basis of information and belief, those contents are true to the best of my knowledge, and my means of knowledge and sources of information appear on the face of this statutory declaration. In making this statutory declaration, I understand that any person who provides a false matter in a statutory declaration commits an offence including but not limited to perjury under the Criminal Code, section 123.

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

Page 3

Signed: [REDACTED]
Scott McDougall, Deponent

Witnessed by: [REDACTED]

I state that: this declaration was made, signed and witnessed under part 6A of the
Oaths Act 1867.

DECLARED by Scott McDougall
at Brisbane this 23rd day of September
2022



In the presence of
Date: 23.09.2022



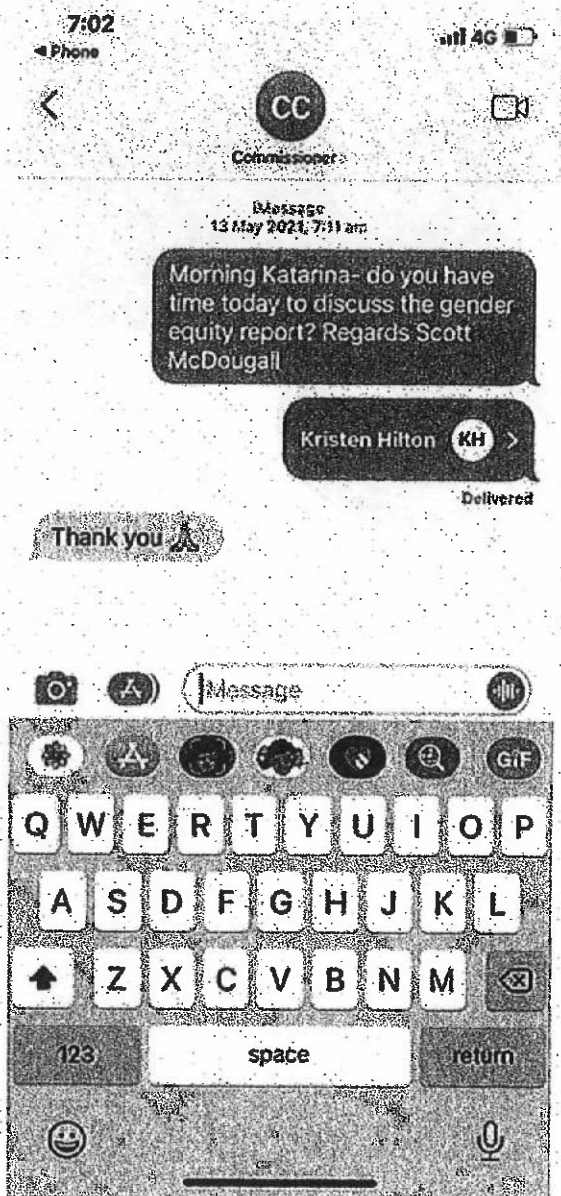
This is the attachment marked "SM1" referred to in the Statutory Declaration of Scott McDougall declared on 23 September 2022.

Deponent

Lawyer



"SM1"



This is the attachment marked "SM2" referred to in the Statutory Declaration of Scott McDougall declared on 23 September 2022.

[REDACTED]
Deponent

[REDACTED]
Lawyer



"SM-2"



Our ref: BNE3417137

27 May 2021

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Commissioner
Queensland Police Service
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[REDACTED]
Scott McDougall
Commissioner

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This is the attachment marked "SM3" referred to in the Statutory Declaration of Scott McDougall declared on 23 September 2022.

[REDACTED]
Deponent

[REDACTED]
Lawyer



"SM-3"



8 September 2021

Ms Katarina Carroll
Commissioner of Police
Queensland Police Service

By email: [REDACTED]

Dear Commissioner

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Commissioner Katarina Carroll

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Scott McDougall
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