
TRANSCRIPT OF PROCEEDINGS

**INDEPENDENT COMMISSION OF INQUIRY INTO QUEENSLAND POLICE
SERVICE RESPONSES TO DOMESTIC AND FAMILY VIOLENCE**

COMMISSIONER: HER HONOUR JUDGE DEBORAH RICHARDS

**COUNSEL ASSISTING: RUTH O'GORMAN KC
ANNA CAPPELLANO**

**Court 34, Brisbane Magistrates Court,
363 George Street, Brisbane.**

Wednesday, 5 October 2022

1 COMMISSIONER: Yes, can I have appearances.

2

3 MS O'GORMAN: May it please the Commission, my name is
4 O'Gorman, initials RM. I appear with my learned friend
5 Ms Cappellano, initials AE. We appear as Counsel Assisting
6 the Commission.

7

8 COMMISSIONER: Thank you.

9

10 MR HUNTER: May it please the court, Hunter, initials JR,
11 King's Counsel. I appear with my learned friend
12 Ms Williams, initials SN. We appear for the Commissioner
13 of Police, instructed by the Commissioner.

14

15 COMMISSIONER: Thank you.

16

17 MR McCafferty: If the Commission pleases, my name is
18 McCafferty, initials PJ, King's Counsel, instructed by
19 Gilshenan & Luton, for the Queensland Police Union of
20 Employees.

21

22 COMMISSIONER: Thank you.

23

24 MS HILLARD: May it please the court, Hillard,
25 initials KM, counsel instructed by Women's Legal Service
26 Queensland.

27

28 COMMISSIONER: Thank you. Ms O'Gorman.

29

30 MS O'GORMAN: If it pleases the Commission, it might be of
31 some assistance if I provide a brief opening to explain why
32 we're here today and how it is that we have come to this
33 point in the evidence.

34

35 COMMISSIONER: Yes.

36

37 MS O'GORMAN: In this tranche of hearings the Commission
38 will hear from Police Commissioner Katarina Carroll and
39 also Queensland Police Union of Employees President,
40 Ian Leavers. The hearings are listed for three days. It
41 is anticipated that Commissioner Carroll's evidence will
42 take up today and part of tomorrow. Mr Leavers will give
43 evidence at 10 am on Friday. This tranche of the hearings
44 will focus on an exploration of the issues of sexism,
45 misogyny and racism within the QPS.

46

47 By way of context, the Commission's terms of reference

1 require it to consider the nature and extent of any
2 cultural issues within the QPS relating to the
3 investigation of domestic and family violence. In relation
4 to that topic much of the Commission's inquiries, including
5 at previous public hearings, has focused on cultural issues
6 which relate specifically to the investigation of domestic
7 and family violence.

8
9 On 18 August Commissioner Carroll gave evidence about
10 a range of matters. In the course of her evidence she
11 spoke of broader cultural issues relating to sexism,
12 misogyny and racism within the QPS. In the days following
13 her evidence many people contacted the Commission about
14 those issues. As a result of that contact, the Commission
15 then re-opened the window for the making of submissions,
16 both from members of the public who had any knowledge that
17 they could share with the Commission and from members of
18 the QPS themselves. In that relatively short period of
19 time the Commission received approximately 400 submissions;
20 270 of the emails and telephone calls received by
21 the Commission came from current QPS members.

22
23 In light of the information provided to the Commission
24 in those submissions, the Commission then requested a range
25 of data and documents from the QPS and, upon receipt of
26 that material, it was decided that the Commission would
27 benefit from hearing further from the Police Commissioner
28 about the issues of sexism, misogyny and racism that had
29 been raised with the Commission in those submissions, but
30 particularly those submissions that came from members of
31 the QPS.

32
33 Accordingly, the matters to be explored with
34 Commissioner Carroll today and tomorrow will relate
35 primarily to those issues. In particular, the Commission
36 will be hearing about the extent to which the QPS is aware
37 of the existence of those problems, the ways that those
38 problems have been managed by the QPS to date, and the
39 extent to which those efforts have been successful both in
40 relation to particular cases but also at an organisational
41 level more generally, and the extent to which there is work
42 to be done to improve the QPS's responses to those
43 problems.

44
45 The Commissioner will then also be asked to explain
46 some other matters relating to resourcing of the Domestic
47 and Family Violence Command and an intelligence assessment

1 which was the subject of evidence given by a number of
2 different witnesses now on previous occasions.

3
4 In relation to Mr Leavers, the intention is to explore
5 with him as President of the QPUE the extent to which
6 issues such as sexism, misogyny and racism within the QPS
7 are known to the union; any efforts that have been taken by
8 the union to date to help address those issues; and any
9 steps that the union might be able to take in the future to
10 assist its members by seeking to address those problems.
11 So that's the scope of the evidence that's expected to be
12 taken in the next three days.

13
14 Before we turn to Commissioner Carroll's evidence,
15 there are a couple of matters by way of housekeeping.

16
17 COMMISSIONER: Yes.

18
19 MS O'GORMAN: The first is to deal with non-publication
20 orders that need to be made in respect of some evidence
21 that's going to be given over the next couple of days. If
22 I might deal with those first.

23
24 COMMISSIONER: Yes.

25
26 MS O'GORMAN: Each of the parties have been provided with
27 a copy of these non-publication order applications and
28 I understand that there's no difficulty with respect to the
29 applications. The first relates to a document entitled,
30 "Senior women's collective: Be informed by lived
31 experiences." The non-publication application relates to
32 the whole of that document except for the first narrative
33 on pages 1 to 3.

34
35 The second non-publication order application relates
36 to a document entitled, "Case study 6". The application is
37 that that document not be published or made publicly
38 accessible beyond the legal representatives of those
39 parties at the Bar table. Those two non-publication orders
40 deal with matters which will be the subject of evidence
41 today and tomorrow.

42
43 The third is really a tidy-up application in respect
44 of evidence that has already been given. That document or
45 that application is also not contentious. I make those
46 three applications.

47

1 COMMISSIONER: Yes, thank you. No objection?
2
3 MR HUNTER: We don't wish to be heard, Commissioner, thank
4 you.
5
6 COMMISSIONER: As I understand it, Ms O'Gorman, the first
7 order is primarily because the informants in that document
8 wish to remain confidential and we've asked the QPS to
9 produce a document that they would not normally have wanted
10 published.
11
12 MS O'GORMAN: Yes.
13
14 COMMISSIONER: And the other two documents or the other
15 document, rather, that you mentioned secondly is to comply
16 with the provisions of the Domestic and Family Violence
17 Protection Act.
18
19 MS O'GORMAN: Yes, that's so.
20
21 COMMISSIONER: And then the final document is in relation
22 to older matters that we've heard previously.
23
24 MS O'GORMAN: That's so.
25
26 COMMISSIONER: Yes.
27
28 MS O'GORMAN: Those orders having been made, all that
29 remains for me to do by way of administrative matters is to
30 tender documents which will be the subject of evidence
31 today. Before I do, I might just confirm for the record
32 that my learned friend Mr Hunter and I have had some
33 conversations this morning about the potential for other
34 applications that had been flagged with us previously and
35 we've been able to resolve those issues. There's no
36 further applications to be made, but I might just get
37 Mr Hunter to confirm that's so.
38
39 MR HUNTER: That's so.
40
41 COMMISSIONER: Thank you. And I should say these
42 non-publication orders will be exhibits G, H and I
43 respectively. Thank you.
44
45 **EXHIBIT #G ADMITTED AND MARKED**
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47 **EXHIBIT #H ADMITTED AND MARKED**

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EXHIBIT #I ADMITTED AND MARKED

MS O'GORMAN: I can turn then to the tendering of the relevant documents that will be the subject of evidence today and tomorrow. They are listed in a document headed "Tender bundle W", and I propose to tender that list of documents rather than a full hard copy of each of them. A full hard copy of each of them has been made available to each of the parties, however.

COMMISSIONER: Okay. So tender bundle W will be exhibit 39.

EXHIBIT #39 ADMITTED AND MARKED

MS O'GORMAN: Thank you. Two further documents which had already been the subject of evidence but might have been available in both cases I believe only in draft form at the time that evidence was given in respect of them have now been provided in their final form and I'll tender both of those documents. The first is a report under the hand of Mr Tim Prenzler and also Mr Michael Maguire dated 22 August 2022. It's headed, "Models of police oversight and complaints handling processes".

COMMISSIONER: Exhibit 40.

EXHIBIT #40 ADMITTED AND MARKED

MS O'GORMAN: And the second is a report prepared by the Institute for Collaborative Race Research dated 25 August 2022. It's titled "Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Services to Domestic and Family Violence".

COMMISSIONER: Exhibit 41. Thank you.

EXHIBIT #41 ADMITTED AND MARKED

MS O'GORMAN: That deals with all of the matters that need to be tendered at this point in time. It would be appropriate now, subject to anything else that Your Honour needed to address before we started, that I call Katarina Carroll.

<KATARINA CARROLL, recalled:

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COMMISSIONER: Thank you. Commissioner, can I just remind you you're still under your former oath?

A. Yes. Thank you.

<EXAMINATION BY MS O'GORMAN, continued:

MS O'GORMAN: Commissioner Carroll, I want to start by asking you some questions about matters that arose when you gave evidence last time. The first relates to Mr Paul Taylor --

A. Yes.

Q. -- who was at the time that you gave your evidence on the last occasion a deputy commissioner within the QPS. You'll recall that on that last occasion you gave evidence about a sexist comment that Mr Taylor had made at the commanders conference back in April of this year?

A. Yes.

Q. We heard from you that he was given local management guidance by you on 10 June this year?

A. Yes.

Q. Now, local management resolution or local management guidance, can you just explain to us what that involves?

A. So local management - and I might go back in history a little bit, if you bear with me.

Q. Sure.

A. Some three, four years ago, when I was not in the organisation, the discipline system was reviewed, and the parties that got together was the union, the CCC, the Police Service, and both unions, and a new discipline system commenced in October 19. Local management guidance is a part of that system, and it relates to behaviour that is a one-off, it's remedial, it requires the member to obviously learn from their ways, there's no continuing form of that behaviour, to be apologetic, but it really is to address the issue very, very quickly and address the behaviour very quickly, and that the person learns from that behaviour.

Q. All right. Now you've said that that particular discipline system came into place in October 2019?

A. That's correct.

1 Q. You became Police Commissioner, didn't you, in about
2 July of 2019?

3 A. Yes.

4

5 Q. All right. So a little bit before this new system
6 came into place?

7 A. Yes.

8

9 Q. All right. And you've explained that it's a remedial
10 process and it's intended to address the matter quickly?

11 A. Yes.

12

13 Q. Okay. Now, your evidence was, as we've established,
14 that you gave this local management guidance to Mr Taylor
15 on 10 June. Is it the case that it involved you and him
16 having a conversation about the appropriateness of his
17 comments?

18 A. Yes, definitely.

19

20 Q. All right. It was only you and him in that process?

21 A. Yes. Yes.

22

23 Q. Okay. Was the conversation recorded in any way?

24 A. No.

25

26 Q. All right. And, as we understand it from documents
27 that we've obtained from the QPS since you gave your
28 evidence, that process was limited only to you and him
29 having a conversation about the appropriateness or
30 otherwise of the conduct?

31 A. That's correct.

32

33 Q. Now, there are other things that you could have done
34 or could have required him to do at that point in time
35 should you have chosen to?

36 A. Yes.

37

38 Q. That's right, isn't it?

39 A. Yes.

40

41 Q. Because local management guidance, while it's a
42 process designed to address a matter quickly and in a
43 remedial way, gives the person who's providing the guidance
44 to their subordinate quite a bit of discretion with respect
45 to any conditions that they can impose?

46 A. Yes, it does.

47

1 Q. All right. One of the documents that we got provided
2 after your last evidence is a briefing note that was
3 provided to you prior to your meeting with Mr Taylor on
4 10 June 2022, and I'll ask you to locate that, and we can
5 go to it. You'll find it in B5 of your folders?

6 A. Thank you. Yes. Thank you, yes.

7

8 Q. You've located that document?

9 A. Yes.

10

11 Q. All right. And you can see, can you not, that it is a
12 briefing note that was provided to you I think at the end
13 of May 2022 but certainly prior to you giving Mr Taylor
14 local management guidance?

15 A. That's correct.

16

17 Q. And that document set out for you, did it not, that
18 there had been something of an investigation done in
19 respect of what it was that Mr Taylor had said at this
20 particular conference?

21 A. That's correct.

22

23 Q. And this conference was attended by a large number of
24 your senior personnel, wasn't it?

25 A. Yes, it was.

26

27 Q. The investigation involved a large number of people
28 being spoken to, not only about the comments but about the
29 impact that it had had on them?

30 A. Yes.

31

32 Q. And you would have seen that the impact or the views
33 shared by those who had heard the comments was
34 overwhelmingly negative?

35 A. Yes.

36

37 Q. Everyone - I'm paraphrasing and summarising here now,
38 but essentially was embarrassed --

39 A. Yes.

40

41 Q. -- that Mr Taylor had spoken like that?

42 A. Yes.

43

44 Q. Particularly when he was speaking on behalf of you as
45 the Commissioner at that time?

46 A. Yes.

47

1 Q. All right. Now, you gave evidence on the last
2 occasion that when you found out about this matter, and
3 indeed when you dealt with the matter by way of local
4 management guidance with Mr Taylor, that you were upset
5 about the fact that Mr Taylor had used that kind of
6 language and engaged in that kind of talk in a formal
7 setting on behalf of you as the Commissioner at a
8 relatively public event?

9 A. Yes.

10

11 Q. I want to go now to the sorts of things that were
12 drawn to your attention as being the steps or processes or
13 conditions that you might consider attaching to the local
14 management guidance process with Mr Taylor?

15 A. Yes.

16

17 Q. And in that regard could I ask you to turn to
18 page - you might find the number up in the top right-hand
19 corner that ends with 0006?

20 A. That's correct.

21

22 Q. Okay. All right. So now that it's on the screen
23 perhaps if we just go to the paragraph headed "Precedents",
24 or the paragraphs headed "Precedents?"

25 A. Yes.

26

27 Q. All right. You can see here that the person who
28 investigated this matter provided this briefing note to
29 you, who was himself I believe a deputy commissioner?

30 A. Yes.

31

32 Q. All right. Suggested to you that a review of like
33 conduct precedents had identified that an option for
34 consideration in relation to resolving this matter was
35 managerial guidance by a supervising officer?

36 A. That's correct.

37

38 Q. And you would have been aware that the conduct
39 precedent that was being referred to there of course was
40 the fact that Mr Rohweder had himself been given local
41 management resolution for similar conduct a little while
42 earlier?

43 A. Yes.

44

45 Q. All right. Now, the Deputy Commissioner who prepared
46 this briefing note for you suggested that you might
47 consider a number of conditions to impose on Mr Taylor in

1 dealing with this matter?

2 A. That's correct, yes.

3

4 Q. We can see, can't we, that one of them was the
5 imposition of online learning products relevant to the
6 conduct, that is Mr Taylor's conduct, and a period of
7 supervision and monitoring for six months?

8 A. Yes.

9

10 Q. Another one was that you could require him to research
11 and prepare a paper?

12 A. Yes.

13

14 Q. And present that to other supervisors of his
15 learnings?

16 A. That's correct.

17

18 Q. That might consider the code of conduct, impact of
19 behaviour on others, demonstrating insight and
20 understanding of reputational harm?

21 A. Yes.

22

23 Q. It was proposed that you might consider requiring him
24 to make an apology, either verbal or written, to the
25 members present?

26 A. Yes.

27

28 Q. And that you might consider an apology, a written
29 apology, on behalf of the QPS quite formally to a judge who
30 was present in the room at the time?

31 A. Yes.

32

33 Q. Did you read this document prior to giving Mr Taylor
34 his local management guidance?

35 A. Yes.

36

37 Q. All right. Why was it that you decided ultimately to
38 do nothing other than have a private chat with him and not
39 impose any of the these conditions that were suggested that
40 might have addressed his behaviour?

41 A. Thank you. So at that point in time I was aware of
42 another complaint and --

43

44 Q. In relation to Mr Taylor?

45 A. Yes, that's correct. Quite a serious complaint, and
46 that was on the 10th. On the 4th of - on 4 June I actually
47 called to look at his contract. When I spoke to Mr Taylor

1 about this incident I had already formed a view that I was
2 likely to take other action over this other incident that
3 would be a lot harsher consequences. As a result of that,
4 I also met with my HR manager to look at - when you look at
5 dismissal of contracted officers there's options that you
6 can take, so I asked to look at those options. So, to my
7 mind, I would be addressing this matter and those matters
8 collectively.

9
10 Q. All right. Well, that was in June of 2022. You gave
11 your evidence to this Commission on 18 August 2022?

12 A. Yes.

13
14 Q. So a little over two months after?

15 A. Yes.

16
17 Q. And in that intervening time had you taken any other
18 action in relation to Mr Taylor?

19 A. No, because I honestly believed that that matter would
20 be finalised a lot sooner, was the issue. So that is
21 sometimes always the issue. So it's - I honestly believed
22 it'd be done very quickly, because I want it done urgently.
23 In fact, I checked with Ethical Standards Command I think
24 nearly every week to see where it was at. So it was just a
25 matter of timing.

26
27 Q. All right. This other matter that you've spoken of
28 was completely unrelated to Mr Taylor's conduct at the
29 commanders conference; correct?

30 A. Yes.

31
32 Q. Okay. After 10 June, when you've given Mr Taylor his
33 LMR --

34 A. Yes.

35
36 Q. -- time passes week by week where you're checking in
37 to see if there is any resolution of the other matter, and
38 there's not; correct?

39 A. That's correct.

40
41 Q. And in fact his comments had been made in April 2022,
42 some months again before you gave him his LMR; right?

43 A. Yes.

44
45 Q. Okay. What I'm wondering is why you wouldn't have
46 thought it appropriate, dealing only with the comment that
47 he had made at the commanders conference, to address it by

- 1 requiring him to do any one of these things, given that you
2 didn't know how the other matter was going to resolve and
3 what steps you might be able to take?
- 4 A. I was very confident about the other matters, and in
5 hindsight, yes, I agree, but certainly --
- 6
- 7 Q. Agree about what?
- 8 A. That I could have done that a little bit better. But
9 to my - in my mind I had already formed that there were
10 going to be other consequences that --
- 11
- 12 Q. Well, when - I'm sorry, I didn't mean to cut you off.
- 13 A. No, no, that's it. Thank you.
- 14
- 15 Q. When matters arise - conduct arises on behalf of your
16 employees, but particularly those who are at the most
17 senior level of the organisation, isn't it incumbent on you
18 to take swift and appropriate action in respect of every
19 transgression and not wait for a number to pile up to take
20 a global approach to the conduct?
- 21 A. I honestly believed that the other investigation would
22 be swifter than it was. If I look back in hindsight
23 knowing that, I would have addressed them very, very
24 separately. He was under no illusion as to what I thought
25 about his behaviour. He was extraordinarily remorseful and
26 upset about what he had said, and I agree, I totally agree,
27 that if I didn't have those two matters together -
28 literally, as I said, I looked at his contract a couple of
29 days before - that I would have dealt with this one
30 incident very, very differently.
- 31
- 32 Q. All right. So is it your evidence that, were you not
33 aware of another complaint matter in respect of your
34 Deputy Commissioner, you might then have considered
35 imposing some of these conditions on him to address his
36 behaviour more seriously?
- 37 A. Yes, yes.
- 38
- 39 Q. All right. You gave evidence about this matter on
40 18 August?
- 41 A. Yes.
- 42
- 43 Q. Mr Taylor resigned in fairly sensational circumstances
44 the next day, 19 August?
- 45 A. Yes.
- 46
- 47 Q. Did you ask him to resign?

1 A. Straight after the hearing we had a quick conversation
2 in my office, and I said to him, "Paul, this is damaging to
3 you and this organisation," and he said, "I should resign,"
4 and I said, "I completely agree with that."
5

6 Q. All right. Had he not been the one to say "I should
7 resign", would you have asked him to resign?

8 A. Yes.
9

10 Q. Is that where this conversation was heading?

11 A. Yes, yes, definitely.
12

13 Q. All right. And he would have known that from
14 the tenor of your conversation?

15 A. Yes, definitely. But also at that stage he himself
16 was aware of additional matters because he was interviewed
17 over them.
18

19 Q. Okay. Now, those additional matters that you keep
20 referring to weren't on 19 August resolved, were they?

21 A. No.
22

23 Q. And in fact they weren't resolved for quite some time
24 after 19 August, were they?

25 A. Yes, yes. Yes, agreed, agreed.
26

27 Q. All right. So why then were you asking him to resign
28 essentially on 19 August?

29 A. Well, extraordinary damage. I would've loved to have
30 resolved this in June, when I thought that matters would be
31 resolved. It took so much longer than I expected it to
32 take. It came out through the Commission of inquiry. Of
33 course there was massive damage to the organisation as a
34 result. It would be even more damaging if he stayed in the
35 organisation, and that's simply put. It's nice to look
36 back in hindsight, but, simply put, I had already put my
37 mind taking - mind to other action that I was going to
38 take.
39

40 Q. Is it the case then that on 19 August Mr Taylor paid a
41 much higher price for his conduct back in April 2022 than
42 he would have had to do had the matter simply been dealt
43 with appropriately back on 10 June?

44 A. That's difficult to answer because there were other
45 matters at play. It's a difficult one to answer. I'm
46 sorry, it's difficult for me to answer that.
47

- 1 Q. That's okay. Let's just take a moment. If you want
2 to have a think about that, take your time.
- 3 A. It may be the case because it was public, but he was
4 going to pay a high price for both matters.
5
- 6 Q. All right. On that point of the possibility that he
7 did pay a higher price because it was public, can I ask you
8 this. Your briefing note that you received in May of 2022,
9 prior to your local management guidance that you gave him
10 in June of 2022, noted that "the issue may receive negative
11 media coverage and has the potential to cause significant
12 reputational harm"; do you remember reading that in your
13 briefing note? We can go to it if you can't recall.
- 14 A. No - sorry, I get so many documents in front of me,
15 so --
16
- 17 Q. I'll take you to it. I don't want you to guess.
- 18 A. No, no. No, I'm talking about the briefing note.
19 I got briefed by the deputy, but I can't recall whether
20 I read that, because I read thousands of documents a week.
21 So that - I take your point.
22
- 23 Q. No, no, I don't want you to take my point. I'll find
24 the reference and ask you to just have a look at it to
25 confirm for yourself. So it's in the same document that
26 you presently have. I don't need this brought up on the
27 visualiser for the moment; thank you. If you go a little
28 higher on the page, Commissioner?
- 29 A. Yes, I can see it. I can see it.
30
- 31 Q. You'll see, "For consideration of case manager
32 involved"?
- 33 A. Yes, yes.
34
- 35 Q. And you are the case manager?
- 36 A. Yes.
37
- 38 Q. In this case?
- 39 A. Yes.
40
- 41 Q. That being the case, and given that Mr Taylor was at
42 the time one of your four deputy commissioners, I assume
43 you would have read this briefing note at the time?
- 44 A. Yes.
45
- 46 Q. All right.
- 47 A. But I can't recall - it was - this alone was quite a

1 few pages.

2

3 Q. Yes?

4 A. That day I would have been briefed on many other
5 matters. What I'm saying, I can't recall reading that.
6 Sorry, I've just knocked something over. Apologies.

7

8 Q. That's okay.

9 A. Yes.

10

11 Q. Well, I'll take you to it. So you can see that
12 heading "For consideration of case manager", and if you go
13 down to the fourth bullet point can you see there that it's
14 drawn to your attention that "this issue may receive
15 negative media coverage and has the potential to cause
16 significant reputational harm"?

17 A. Yes. Yes.

18

19 Q. Can I just see if we can be clear about something
20 here. As I understand it, your evidence is that you don't
21 recall whether or not you read this particular part of the
22 briefing note, and I understand that?

23 A. Yes.

24

25 Q. I understand you receive a lot of material. It
26 couldn't possibly be the case, though, that it slipped your
27 attention that this conduct by Mr Taylor when he was
28 speaking on your behalf as the Commissioner of Police at a
29 formal conference might attract negative media attention?

30 A. No, I didn't have to read that. Of course it would
31 and could attract negative media attention.

32

33 Q. So my question is then did that concern that the
34 matter might attract negative media attention feed into
35 your consideration about whether you would require
36 Mr Taylor to undertake any of these conditions, including
37 making formal apologies, written or verbal, to people who
38 were in the room and a written apology to the judge who was
39 in the room? Did any of that feed into your consideration
40 that you ultimately would not have required him to engage
41 in any of those things so as not to run the risk of
42 attracting media attention that was adverse at the time?

43 A. What was in my mind, that I had other issues with
44 worse consequences that will be dealt with very shortly.

45

46 Q. All right. You have mentioned that, and, to be fair,
47 we've spent a bit of time talking about that consideration.

1 I'm now asking you whether or not the fact that if you
2 asked Mr Taylor to engage in some of these activities it
3 might attract media attention, whether or not that fed into
4 your consideration that you would not require him to do any
5 of those things?
6 A. Sorry, can you just repeat that?
7
8 Q. I'll ask it in a slightly different way.
9 A. Thank you.
10
11 Q. By deciding that you would simply have a private chat
12 with Mr Taylor on 10 June were you trying to avoid the risk
13 of negative media attention in respect of this matter?
14 A. Definitely not. Definitely not. In fact, the action
15 I was intending to take was going to have a lot of media
16 attention, so --
17
18 Q. But you didn't take that action that you were
19 intending to take at that time?
20 A. In relation to this one. So either way there was
21 going to be a lot of media attention.
22
23 Q. All right. All right. Now, we've seen from material
24 that we received after you gave evidence last time that one
25 of the people who was interviewed in respect of the
26 investigation into Mr Taylor's comments at the commanders
27 conference said to one of the investigators by way of a
28 text message, "That's the second senior officers conference
29 in a few months where a senior male officer has made an
30 inappropriate comment in an open forum. What's really bad,
31 if he talks like that at a formal function on behalf of
32 the Commissioner, can you imagine how he speaks to his
33 North Queensland boys club of all senior male officers?
34 How do they talk about women?" Do you remember seeing that
35 in the briefing note? I'll give you the reference to it?
36 A. Yes. Thank you.
37
38 Q. I don't need it brought up on the visualiser, thank
39 you, Mr Operator.
40 A. Thank you.
41
42 Q. You'll find it on the page with the number ending
43 0002?
44 A. Yes.
45
46 Q. And it's in that first paragraph, the latter half of
47 that paragraph?

- 1 A. Sorry, 00?
2
- 3 Q. 02, the number ending - yes? And then in the latter
4 half of that top paragraph that you're looking at?
5 A. Yes.
6
- 7 Q. "Member later texted the following"?
8 A. Yes, yes. Thank you. Thanks.
9
- 10 Q. That's okay. Do you remember reading that at the
11 time?
12 A. Yes.
13
- 14 Q. And you can see there that that member and others
15 referred to in this investigation were concerned that, if
16 that's the sort of comment that's being made in a formal
17 setting, how does this particular police officer talk in
18 less formal settings, essentially?
19 A. Yes.
20
- 21 Q. And raising the concern about how it is that he might
22 talk about women in particular?
23 A. Yes.
24
- 25 Q. In less formal settings?
26 A. Yes.
27
- 28 Q. Do you accept that, had you taken some additional step
29 on 10 June either to require Mr Taylor to undertake some
30 extra learning about respectful behaviour or requiring him
31 to make an apology, that might have gone some way to
32 alleviating the concerns of your senior women who were
33 worried about Mr Taylor's conduct more generally?
34 A. Yes, I do. But also there was going to be - I go back
35 to the point that what was on my mind: there was going to
36 be harsher consequences. So I agree with you, but to my
37 mind I was looking at two matters, and as a result there
38 was going to be harsher consequences. But I agree with
39 you, yes.
40
- 41 Q. All right. When you talk about these harsher
42 consequences in respect of this other matter, I understand
43 from things that you're saying that you were contemplating
44 that you might in the future be dismissing him for
45 completely separate behaviour?
46 A. Yes.
47

1 Q. Is that what you're saying? All right. Bearing that
2 in mind, and bearing in mind the fact that you knew back in
3 June of 2022 that a number of your senior women were upset
4 and offended at the way that Mr Taylor had conducted
5 himself, would it have been more appropriate in the
6 circumstances for you to have required Mr Taylor to issue
7 an apology to the people who were in the room that day,
8 including your senior women, who deserved to feel supported
9 and included and respected?

10 A. I agree with you.

11

12 Q. Okay. Let's leave Mr Taylor now. I do want to ask
13 you some questions about Mr Rohweder.

14 A. Thank you.

15

16 Q. Mr Rohweder, as we heard when you gave your evidence
17 last time, was at the time an acting chief superintendent?

18 A. That's correct.

19

20 Q. He, in March of this year, made at the very least an
21 off-colour sexist joke at a senior leaders conference?

22 A. Yes.

23

24 Q. We heard from you that Mr Rohweder was given local
25 management resolution a week or so later?

26 A. Yes.

27

28 Q. Now, at the time he was applying for promotion to the
29 Chief Superintendent role?

30 A. Yes.

31

32 Q. Now, for those of us who are not members of the QPS,
33 the Chief Superintendent role is a very senior role within
34 the QPS, is it not?

35 A. Yes, it is.

36

37 Q. And senior roles within the QPS require, do they not,
38 people to have the utmost integrity?

39 A. Yes.

40

41 Q. To lead by demonstration and modelling of appropriate
42 behaviour?

43 A. Yes.

44

45 Q. And to engage in good conduct at all times?

46 A. Yes.

47

1 Q. Now, documents that we've received since you gave
2 evidence on the last occasion demonstrate that the
3 promotion panel considering his promotion supported his
4 appointment to that role on 23 June 2022; that's right,
5 isn't it?

6 A. Yes, yes.

7

8 Q. And you signed off on his promotion on that date?

9 A. Yes.

10

11 Q. Now, please tell me if I understand this correctly.
12 The promotion panel, which was comprised of three people,
13 including two senior police officers --

14 A. Yes.

15

16 Q. -- has the role of assessing the applicants who apply
17 for that role?

18 A. Yes.

19

20 Q. And interviewing each of them who make it onto the
21 short list?

22 A. Yes.

23

24 Q. And then, in a group way, settling on moderated scores
25 which would place each of the applicants in an order for
26 you to consider for promotion?

27 A. Yes.

28

29 Q. It's not, however, the role of the promotion panel to
30 determine who gets promoted to the position of
31 Chief Superintendent, is it?

32 A. They make a recommendation, yes.

33

34 Q. All right. Ultimately it was a matter for you to
35 decide as the Commissioner of Police whether to approve his
36 promotion or not?

37 A. Yes.

38

39 Q. Okay. Now, you might recall that your evidence on the
40 last occasion was to the effect that Mr Rohweder was
41 remorseful and immediately remorseful about what he said at
42 that commanders conference; do you recall giving that
43 evidence?

44 A. Yes.

45

46 Q. And also you said that you knew that he was remorseful
47 not only for what he had said but for the impact that it

1 had had on people?

2 A. He was.

3

4 Q. Okay. We might just go back to that document that you
5 were looking at. It's the briefing note in relation to the
6 investigation in relation to Mr Taylor?

7 A. Yes.

8

9 Q. So B5 before you. And if you wouldn't mind turning to
10 page - if you can give me a moment, I'll just find the
11 page.

12 A. Three.

13

14 Q. Page 3, please?

15 A. Thank you.

16

17 Q. If we could perhaps zoom into the third last dot point
18 and following on that page. So this is the briefing note
19 that you received by the end of May 2022, Commissioner?

20 A. Yes, yes.

21

22 Q. Okay. And his promotion, of course, isn't approved by
23 you until the end of June 2022. So this is about a month
24 or so before you promote him?

25 A. Yes.

26

27 Q. Okay. You can see that one of the people who were at
28 the conference - and, as is made clear by the context of
29 what's written here, she was at both conferences, that is
30 the one where Mr Taylor made his sexist comment and the one
31 where Mr Rohweder made his joke; you can see that?

32 A. Yes, yes. Yes.

33

34 Q. And you can see that she advised the investigator that
35 she was in shock and disappointment - this is in relation
36 to Mr Taylor, of course - and she goes on to say that this
37 should be - and that this should be concerning because
38 Acting Chief Superintendent Ray Rohweder came up to her and
39 said, "Well, if it's okay for Mr Taylor, it's okay for me"?

40 A. Yes.

41

42 Q. All right. It does tend to suggest that any
43 immediately expressed remorse on behalf of Mr Taylor after
44 he made his joke in March --

45

46 COMMISSIONER: Mr Rohweder.

47

1 MS O'GORMAN: Mr Rohweder; I apologise - after he had made
2 his remark in March of 2022 had certainly slipped by April
3 when he's telling one of your senior employees at the
4 conference where Mr Taylor made his comment, "Well, if it's
5 all right for him, it's all right for me"?

6 A. Yes. Can - I just want to make some broader comments
7 about this, the process in particular. So Mr Rohweder was
8 dealt with by local management resolution by a senior
9 assistant commissioner from a CIC. It was assessed as
10 that, and she chose to deal with it in that matter. That
11 matter comes in as an LMR, which is a separate matter to
12 the promotion. So the promotion is based on, as you
13 indicated, you know, a process, application, referee
14 reports, et cetera. That matter came to me, and, as you
15 indicated, you know, Steve Gollschewski, the Deputy, and
16 the Assistant Commissioner, was on that, to sign off, and
17 the first thing I said to my deputy is, "I do not want to
18 promote this person."
19

20 Q. Well, why did you, Police Commissioner?

21 A. Because I felt constrained by the process that I had
22 in front of me. The matter --
23

24 Q. If you could explain that for us?

25 A. Yes, I will. The matter was dealt with by LMR, so -
26 and if you look at LMR it actually fit within the process
27 of LMR. It was a one-off comment. No course of conduct.
28 I spoke to the Assistant Commissioner, who considered that
29 in the past he had called people out for misogynistic
30 comments and sexist behaviour. So it was dealt with in
31 that process, and - and then the separate process that he
32 was meritorious. He had been relieving in that position
33 for two years and actually doing a very good job.
34

35 Q. Well, before we get to that question of the second
36 process can I just ask you something about the first
37 process that you mentioned there?

38 A. Yes.
39

40 Q. Because what you've said is that he was dealt with for
41 his comments in March of 2022 by way of that LMR process?

42 A. Yes.
43

44 Q. And, as I understand your evidence just now, you
45 explained that his comments fit within the appropriate
46 bounds of what is or can be dealt with by way of LMR?

47 A. Yes.

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Q. LMR doesn't have to be a final way by which conduct is dealt with, does it? It can be revisited in certain circumstances?

A. My advice was that it had been dealt with and it can be considered. But in the context of his 35-year career, which I --

Q. Sorry, we might be at cross-purposes, so if I can just go back. I'm not yet at the point of you considering his promotion. What I'm asking is whether or not you thought that, although he had been dealt with by way of LMR, once it's brought to your attention that Mr Rohweder is saying after his LMR was completed, "Well, if it's okay for Mr Taylor, it's okay for me" - whether you gave any consideration to whether the LMR should be revisited?

A. I get what you're - sorry, I'm just thinking.

Q. Of course.

A. The dates - I wouldn't have realised what dates it was. So it might have been an oversight, you know, when that was said. So I didn't go back because it just didn't click what dates it was. But in my mind the LMR had dealt with the issue.

Q. Okay.

A. Yes. That's all that issue would be, yes.

Q. All right. So as of the end of May this year when you received this briefing note --

A. Yes.

Q. -- and you were advised that Mr Rohweder had said to another senior police officer, "Well, if it's okay for Mr Taylor, it's okay for me," you didn't then turn your mind to whether or not you should revisit his LMR?

A. No, I didn't turn my mind. It just didn't click what date it was. You know, I would've turned my mind to it if someone said, "This is serious. Look what he's done and look when he's done it." That would have been different. In the context of everything else I have to deal with, I wouldn't have - I just wouldn't have thought about that. Yes.

Q. Okay. All right. Were you aware - when you were asked to sign off on his promotion in June of 2022, were you aware that Mr Rohweder had subsequently demonstrated a

1 lack of remorse for his earlier conduct?

2 A. I was aware he made the comment. I just - its' -
3 I can't remember what date. Yes. That's the issue.

4

5 Q. All right. I'm not asking if you can recall what
6 particular day.

7 A. Yes.

8

9 Q. I'll ask again. I'm asking: as of the end of June,
10 when you promote Mr Rohweder to Chief Superintendent, were
11 you aware at that time that Mr Rohweder had made this
12 comment that, "If it's okay for Mr Taylor, it's okay for
13 me"?

14 A. I can recall - I can recall I was aware at some stage.
15 I just can't remember when.

16

17 Q. All right. Now, you spoke before about the promotion
18 process, and you explained that he was, that is Mr Rohweder
19 was, otherwise meritorious in respect of the process; do
20 you recall saying that?

21 A. Yes, yes.

22

23 Q. Okay. Now, merit comprises a number of matters, does
24 it not, including integrity and good conduct?

25 A. Yes.

26

27 Q. And so was not the fact that he had made this sexist
28 joke at the senior leaders conference and subsequently
29 expressed the view that it was okay for him to do so
30 something that ought to have been taken into account by you
31 in considering whether he had the necessary integrity and
32 had engaged in the necessary good conduct to be promoted by
33 you to Chief Superintendent?

34 A. As I said to you, I looked at the LMR and the matter
35 had been dealt with, that process, and looked at the
36 promotion process, did not want to promote him - did not
37 want to promote him - and discussed this with the deputy,
38 and he - and in fact the deputy said to me, "But you know
39 if he appeals this he is more than likely to be
40 successful," in the context of the fact that it had been
41 dealt with and in the context of the fact of his 35-year
42 career, where we have not seen this behaviour before.
43 I thought - I thought about not promoting him. However,
44 I was of the view that he would be successful, and in fact
45 subsequently got legal advice that confirms my view, and
46 I cannot do things on the whim that I might be successful.
47 I've done, you know, many matters before that I seek

1 Crown Law advice and take them forward, and it's
2 unsuccessful and then I am further bound by those
3 decisions. So these decisions are very difficult to make
4 and always try to get the decision right.
5

6 Q. All right. As I understand the material that's been
7 provided to us in respect of the panel assessment of
8 Mr Rohweder, there were only two points ultimately that
9 separated him and the first runner-up?

10 A. Yes.

11
12 Q. For the position?

13 A. Yes.

14
15 Q. That's a close-run race, isn't it, on any view of it?

16 A. Yes, it is. Yes.

17
18 Q. Was it not appropriate or did you not consider it
19 appropriate in circumstances where the end result by the
20 panel was that it was a close-run thing between the first
21 and second people recommended for the role that taking this
22 into account and particularly Mr Rohweder's view that the
23 sort of sexist joke that he had made was simply okay, would
24 that not have appropriately tipped the balance?

25 A. I'm not going to interfere with their process. It's
26 completely independent of me --

27
28 Q. Well, can I just stop you there. Their process is
29 their process?

30 A. Yes.

31
32 Q. We've established that you establish a panel so that
33 they can assess the applicants and recommend to you the
34 person who might be promoted; correct?

35 A. Yes.

36
37 Q. But they also recommend to you a first runner-up and a
38 second runner-up, who can be considered by you for
39 promotion to that role?

40 A. Yes.

41
42 Q. And that's where their process ends, isn't it? All
43 they do is recommend to you?

44 A. Yes.

45
46 Q. My question is: in those circumstances, where you knew
47 that there was only two points separating Mr Rohweder and

1 the first runner-up, why it wasn't the case that you
2 thought it would be appropriate, bearing in mind what you
3 knew about Mr Rohweder's sexist attitude, that perhaps the
4 second runner-up might be preferable, given that it seems
5 Mr Rohweder - had some doubts about his integrity and his
6 good conduct?

7 A. It's not appropriate for me to change whether someone
8 gets the job or not when the recommendation, he is
9 number 1.

10

11 Q. So do I understand it from that that you consider
12 yourself bound by the recommendation made by a promotion
13 panel to you, do you?

14 A. Yes, I am, because they did the panel. And, as
15 I said, I was extraordinarily constrained by what was
16 before me. I would rather not have promoted him, and I was
17 of the view, and I would say correctly so, that if I did
18 not he would be successful in appealing that decision.

19

20 Q. Should your assessment, whether on advice from your
21 Deputy Commissioner or Crown Law or elsewhere, about
22 whether or not you would win or lose if there was a
23 subsequent industrial challenge made to your promotion
24 decision be something that sways your decision one way or
25 the other, or should you be approaching the task of
26 deciding who to promote solely with the view of who is the
27 most appropriate person to promote and deal with any
28 consequences that may follow?

29 A. I believe in those circumstances that I should have
30 more discretion in terms of making those decisions, and in
31 fact if the matter had not been dealt with by LMR, and this
32 was obviously completely separate to when I was involved,
33 if it had been dealt with differently, one of the sanctions
34 could be, you know, a disqualifying period to apply for a
35 promotion or a demotion. So there's a lot more sanctions
36 that could be applied. So the LMR was obviously used in
37 this instance, and I was bound by the fact that it was.
38 But if it was dealt with differently in the first place
39 I could make different decisions.

40

41 Q. I'll just see if I understand what you're saying about
42 that. You're aware, I take it, that the Police Service
43 Administration Act makes it your responsibility to decide
44 who is promoted to the role of Chief Superintendent; you
45 understand that that's your job?

46 A. Yes, yes. Yes.

47

1 Q. All right. And that the Act provides that appointment
2 to a police officer position must be done on the basis of
3 merit?

4 A. Yes.

5

6 Q. And that the Act defines "merit" to include integrity,
7 diligence and good conduct of an officer?

8 A. Yes.

9

10 Q. And in those circumstances I'm wondering whether you
11 consider that you were able to take into account
12 Mr Rohweder's joke and Mr Rohweder's attitude that it was
13 okay to talk like that in considering whether he had the
14 necessary integrity and good conduct to be promoted to his
15 position?

16 A. Whilst I would like that, the issue I have is the
17 matter had been dealt with, and in terms of procedural
18 fairness and natural justice this is why I feel that
19 I would be unsuccessful in any subsequent review or appeal
20 by that member.

21

22 Q. The LMR had been completed a week or so after
23 Mr Rohweder made the joke; that is, in March of 2022?

24 A. Sorry, the LMR?

25

26 Q. Had been given to Mr Rohweder at the end of March
27 2022?

28 A. Yes, that would be correct, yes.

29

30 Q. All right. And you remember that that LMR, like the
31 one for Mr Taylor, didn't have any conditions attached to
32 it; it was completed upon the completion of the private
33 chat between him and the person who administered the LMR to
34 him?

35 A. Yes, I knew there was LMR, but I didn't know what the
36 chat was or what took place between those two people. Yes.

37

38 Q. Okay. That process then was complete by the end of
39 March; correct?

40 A. Yes.

41

42 Q. Okay. Mr Rohweder was saying at the conference at
43 which Mr Taylor made his comments - and this is in April,
44 so after the LMR is completed - it's at that point in time
45 that Mr Rohweder is saying, "Well, if it's okay for
46 Mr Taylor, it's okay for me"?

47 A. Yes.

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Q. All right. Did you think that you could take that expression of his attitude into account in deciding whether or not he had the necessary integrity and good conduct to be a chief superintendent?

A. But, to my earlier point, I don't know when he said that. That's to my earlier point.

Q. Well, it was said at the conference that Mr Taylor made his comments at?

A. Yes.

Q. And Mr Taylor's comments were made in April of 2022?

A. But I - I - Mr Taylor's matter - I read this on the day that I actually spoke to him or was briefed on it. I just don't know when he said that. So in an ideal world, yes, we would have gone back and revisited that. But what I was dealing with was the LMR and the promotion report, the merit based promotion report. That's what I was dealing with at the time.

Q. All right. So if you read this briefing note on the day that you gave Mr Taylor his LMR - we know that the day that you gave Mr Taylor his LMR was 10 June 2022?

A. Yes.

Q. So on 10 June 2022 you were aware that Mr Rohweder, having already been given LMR, now considers that it's okay for him to talk in that way, and you don't promote him until 23 June 2022?

A. That was to my point. Like, I normally get briefed on this. I can't - and that's why I couldn't remember whether I was briefed or I read it. Like, literally I can't, because I have so many documents come in front of me. So a lot of times I will get briefed or I will quickly read it. So that - that was my point later. I cannot remember. I know it was said to me, it was mentioned to me. But, when I went and dealt with his LMR and his promotion, I can't recall this is what I'm saying. If I could, it would have spiked my attention to do something about it. So when I promoted him, which I did not want to do, I was dealing with those two, the LMR and the selection report.

Q. Okay. So I'm not sure I'm completely following along. Is it your evidence that when you promoted Mr Rohweder on 23 June you knew that he had made a sexist joke in March and you knew that he had been given LMR in March, but you

1 didn't know that he had subsequently said that sort of
2 conduct was okay?
3 A. No, that's correct.
4
5 Q. All right.
6 A. So I just - it was mentioned to me or I read it, but
7 I don't know when is the issue. I don't know when.
8
9 Q. Well, I just want to understand your evidence on this
10 point.
11 A. Yes.
12
13 Q. Did you or did you not know on 23 June when you
14 promoted Mr Rohweder that he had expressed the view that
15 the joke that he had made in March was in fact okay?
16 A. No, not at that point, yes. Yes.
17
18 Q. All right. All right. Now I understand.
19 A. Yes.
20
21 Q. So you didn't know about that on 23 June?
22 A. Yes.
23
24 Q. It's something that you've learnt about since his
25 promotion?
26 A. Since, yes.
27
28 Q. I see.
29 A. But it - it could be around about the - it was around
30 about the same time because I would have thought about it
31 in promoting him. It is in a document, but I often get
32 briefed on documents, and I can't recall that. So if - if
33 it was front of mind, and even if Steve Gollschewski said
34 to me, "You've got to be aware of this one as well," it
35 would have been dealt with differently. But what I was --
36
37 Q. I don't understand any of that, I'm sorry. Are you
38 saying that if someone had told you that Mr Rohweder
39 thought it was okay then you wouldn't have promoted him?
40 A. We could go and revisit the LMR is what I'm saying.
41 But I didn't know at the time of making that decision about
42 this. So what I was - all I - I was dealing with a
43 promotion and I was dealing with the fact that he had
44 already been dealt with by LMR for his comments. That's
45 what I was dealing with.
46
47 Q. All right. It might be my lack of understanding and

1 perhaps we should just move on.
2
3 COMMISSIONER: Let's not just for a second. Can you just
4 go to [COI.105.0001]?
5 A. Sorry, Your Honour, COI?
6
7 COMMISSIONER: 105.0001.
8 A. Yes.
9
10 COMMISSIONER: Which is the third page of Mr Rohweder's
11 application. It might be the fourth page, sorry.
12 A. Sorry, his application?
13
14 COMMISSIONER: His application. 0004, sorry.
15
16 MR HUNTER: It's B6 in the Commissioner's material.
17
18 COMMISSIONER: B6 in your material, apparently?
19 A. Sorry, bear with me.
20
21 COMMISSIONER: And go to 04.
22 A. Yes.
23
24 COMMISSIONER: Now, selection criteria 1, "must be a
25 standard of personal integrity as required by
26 the Commissioner of Police"; correct?
27 A. Yes, yes.
28
29 COMMISSIONER: So what is that standard of personal
30 integrity?
31 A. That they are a good person, that they abide by our
32 values, et cetera, yes.
33
34 COMMISSIONER: Okay. And then all you have to do to
35 satisfy that is say, "I have a standard of personal
36 integrity which meets this criteria"; is that it?
37 A. That's it, Your Honour.
38
39 COMMISSIONER: Shouldn't that be a more important and
40 fulsome discussion of how you meet that criteria?
41 A. It should be definitely, I think, at the panel level.
42 It currently isn't. It's assessed against locality brief,
43 the various criteria in the application, the vetting. So
44 when it came to me in that - that he's been promoted here,
45 or most meritorious, he's been dealt with here.
46
47 COMMISSIONER: Yes. Okay. I'm just talking about

1 generally.
2 A. Yes.
3
4 COMMISSIONER: That doesn't seem to be much in addressing
5 that selection criteria, does it?
6 A. No, it's just one line, you're correct.
7
8 COMMISSIONER: Okay. And the police administration act
9 says that integrity is an important part of promotion?
10 A. Yes, it is.
11
12 COMMISSIONER: And the more senior you are the more
13 important it is; correct?
14 A. Yes.
15
16 COMMISSIONER: Okay. So can we go from there to B7, which
17 is this - the document you would have received about him
18 being the number one candidate?
19 A. Yes, Your Honour.
20
21 COMMISSIONER: So that's [COI. - yes, that's it -
22 182.0001]. And can we go over to 0011?
23 A. 0011?
24
25 COMMISSIONER: Page 11.
26 A. Thank you. Yes.
27
28 COMMISSIONER: Which is where he gets his rating, 86?
29 A. Yes.
30
31 COMMISSIONER: And that he did a good interview and he was
32 second in the written application?
33 A. Yes.
34
35 COMMISSIONER: Is that right? Now, this report was done
36 by Deputy Commissioner Gollschewski?
37 A. That's correct.
38
39 COMMISSIONER: Deputy Commissioner Gollschewski also did
40 the report on Paul Taylor?
41 A. He was the Acting Commissioner at the time, yes.
42
43 COMMISSIONER: He did the executive briefing note to you?
44 A. Yes.
45
46 COMMISSIONER: And had the various options that
47 Ms O'Gorman pointed out to you; yes?

1 A. Yes.

2

3 COMMISSIONER: Okay. So then if we go to the last page at
4 .0013. So, even if you didn't know on the day, he knew
5 that Rohweder had said, "If it's good enough for Taylor,
6 it's good enough for me"? Gollschewski would have known
7 because he wrote that?

8 A. Yes.

9

10 COMMISSIONER: Yes? So --

11 A. I've got to clarify that. I don't know if he wrote
12 that or it was done at Ethical Standards and given to him.

13

14 COMMISSIONER: He signed the document --

15 A. Yes. Thank you.

16

17 COMMISSIONER: -- so presumably he read it at least. Then
18 he says, "There are no integrity issues that the panel is
19 aware of to be considered in this instance regarding the
20 nominated applicant"; that's the second last line?

21 A. That's correct.

22

23 COMMISSIONER: Now, that's not actually accurate, is it,
24 because one of the panel members was from Ethical
25 Standards?

26 A. That's correct, Your Honour.

27

28 COMMISSIONER: And Gollschewski obviously knew as well
29 about what he had said and his attitude thereafter?

30 A. I can't speak on his behalf. He may have.

31

32 COMMISSIONER: Well, he signed a document where --

33 A. Yes, he did sign the document, yes, your Honour.

34

35 COMMISSIONER: -- that statement was contained therein?

36 A. Yes, yes. He's - yes.

37

38 COMMISSIONER: Yes. So does that give you concern,
39 because that obviously is an integrity issue?

40 A. The whole process gives me concern, Your Honour. The
41 whole process around LMR gives me concern.

42

43 COMMISSIONER: Yes.

44 A. LMR - when we - when the organisation started using
45 LMR - is - it's there for a good reason. You know, it's
46 there for little minor errors, you know, minor issues.

47 It's there for that right reason of corrective behaviour,

1 guidance, education. It gets dealt with very, very
2 quickly. The problem is it's being applied to issues that
3 I think it should not be applied to. So, if this was a
4 discipline process that was applied to this, there would be
5 different outcomes, in my view, you know, different
6 sanctions.

7
8 COMMISSIONER: So it's your view it's been applied too
9 liberally? LMRs?

10 A. I beg your pardon?

11
12 COMMISSIONER: LMRs are being applied too liberally?
13 A. LMRs - and when I look at the other documentation that
14 I got, LMRs are being applied inappropriately, they're
15 being applied across the state inconsistently, and it's
16 also the oversight of them is very difficult because at the
17 moment it is a manual system, you know, to look into what
18 the issues are. To exacerbate that, there has been very
19 little training in the last three years, particularly in
20 how that should be utilised. So you have a very
21 inconsistent system across the state that I believe is used
22 inappropriately for matters that are more serious. But
23 LMR - from the very beginning when you think about new
24 legislation, it had a very good reason, you know, and we
25 know the evidence, you know, clearly can show that - where
26 it should be used. But I think, like new evidence, this is
27 one of the unintended consequences - like new legislation,
28 sorry - of what has occurred with LMR.

29
30 COMMISSIONER: Yes, because from what you've said it
31 should be really applied to people with good record?

32 A. Good record, one-off --

33
34 COMMISSIONER: And as a one-off sort of thing?

35 A. A genuine mistake, a minor matter, and we have good
36 evidence where LMRs have been applied like that and people
37 definitely learn from them, and that's the reason for it,
38 and I think --

39
40 COMMISSIONER: We are seeing it applied again and again
41 and again to one officer, for example?

42 A. Yes. That's inappropriate. It should never be
43 applied twice, three, four times, and it should never be
44 applied to what I consider are serious matters. It was not
45 brought in for that purpose. And it's interesting, though,
46 because when you look at the policy in the legislation,
47 yes, you could actually apply it to almost anything. But

1 in order to deal with it better there should be like a
2 framework that automatically says, "These matters should
3 not be dealt with in LMR," or better describe what should
4 be dealt with in LMR, is the issue.

5
6 COMMISSIONER: All right. Sorry, Ms O'Gorman,
7 I interrupted you.

8
9 MS O'GORMAN: I just have a couple more questions in
10 respect of Mr Rohweder, and then I can move onto a new
11 topic perhaps after the morning break then. Police
12 Commissioner, you have said that you didn't know when you
13 promoted Mr Rohweder on 23 June that he had been expressing
14 the view that what he had said was okay?

15 A. Yes.

16
17 Q. Do you accept that there's been a fall down in the
18 briefing system in circumstances where you've ultimately
19 promoted someone to Chief Superintendent without knowing
20 that the sort of attitude that he expressed in the senior
21 leaders conference was in fact an ongoing attitude and not
22 just a one-off?

23 A. Yes, definitely, yes.

24
25 Q. All right. In those circumstances, do you accept that
26 this particular incident, that is the promotion of
27 Mr Rohweder to Chief Superintendent, might cause your
28 members to consider that the QPS tolerates sexism and
29 misogyny, including at its highest level?

30 A. Yes, and that's the damaging outcome of that.

31
32 Q. All right. And do you accept that it might not only
33 be members of the QPS who were left with that view but
34 members of the public who might have known about the matter
35 who would have been left with that view?

36 A. If I was a member of the public I would have that
37 view, yes.

38
39 Q. All right. Just before we leave that topic, then,
40 someone who did send in a submission to us, one of your
41 members, said this: "The current issue with
42 the Chief Superintendent Rohweder is very interesting.
43 I know that if it was a more junior officer who said that
44 comment in a public forum it would be a full investigation
45 straight up and I daresay it would move to discipline
46 hearing pretty quick. The question must be raised, though,
47 who authorised for Rohweder to be given local management

1 resolution. It would be someone of a higher rank than him.
2 This is where the culture of sweeping things under the
3 carpet and protecting senior officers from discipline
4 matters is highlighted. It does not look good for this to
5 happen in front of junior officers." Do you accept that
6 that observation has some merit; that is, that one of the
7 particularly damaging consequences of what has occurred is
8 that it might have led particularly your junior members to
9 either think that the conduct was okay or to be left with
10 that very unpleasant taste in the mouth that the QPS is
11 prepared to sweep things under the carpet when it applies
12 to senior officers?

13 A. So when I have matters against a senior executive I am
14 very, very swift in, you know, investigating them. I can
15 understand why they think that, but you will see from other
16 examples that you will be put - that you will put to me
17 that LMR has not just been inappropriately, what I feel,
18 applied to senior members; it's been inappropriately
19 applied to other instances that involves junior members as
20 well.

21

22 Q. So I'll just go back to my question, and I'll put it
23 into two steps, because it was unfair of me to jumble it
24 together like that. My first question is whether or not
25 one of the particularly damaging consequences of this
26 incident is that there is a risk that your junior officers,
27 looking at how Mr Rohweder had conducted himself and his
28 subsequent promotion, might think that that sort of thing
29 is okay, that it will be tolerated and may even allow them
30 to be promoted?

31 A. Yes, that is the risk.

32

33 Q. All right. And do you accept that there's also a risk
34 arising out of all of this that some of your junior
35 officers will be left with that unpleasant taste in the
36 mouth that when this sort of thing is engaged in by senior
37 officers it might be swept under the carpet so as not to
38 embarrass either the senior officer or the QPS?

39 A. It wasn't swept under the carpet. It was a bad
40 decision. The whole organisation saw it. So it certainly
41 wasn't swept under the carpet. If I was a junior officer
42 seeing that, I'd say, "You've got to be joking." But
43 that's why I go back to my point that I did not want to
44 promote this person and I felt constrained. So it was - if
45 anything, it was outed and there was more damage as a
46 result.

47

1 Q. Well, except for Mr Rohweder, who was promoted to
2 Chief Superintendent?

3 A. Yes.

4

5 Q. All right. Those are all of the questions that I have
6 in respect of Mr Taylor and Mr Rohweder. I want to move
7 next to the rather large topic of sexism and misogyny more
8 broadly in the QPS. I'm wondering, given the time, whether
9 it might be appropriate to take the morning break before
10 I embark on that topic?

11

12 COMMISSIONER: Yes.

13

14 MS O'GORMAN: Thank you.

15

16 COMMISSIONER: We'll just adjourn for 10 minutes.

17

18 **SHORT ADJOURNMENT**

19

20 COMMISSIONER: Yes, Ms O'Gorman.

21

22 MS O'GORMAN: Commissioner, you might have heard me
23 mention earlier this morning that after you gave evidence
24 on the last occasion many of your members have written to
25 us, including about issues related to sexism and misogyny
26 within the QPS; you're aware of that?

27 A. Yes. Yes, I am.

28

29 Q. And many of those submissions haven't been provided to
30 you because there have been requests that they be kept
31 confidential.

32 A. Yes.

33

34 Q. All right. What I want to do then to put some of my
35 following questions in context is to bring up a summary of
36 what those submissions has said about some of those
37 cultural issues, and in that regard could we have A2 placed
38 on the visualiser, please. So at the time this document
39 was put together, and this is a document that's been
40 compiled by the Commission of Inquiry, not by the QPS?

41 A. Yes.

42

43 Q. There had been 202 submissions received by the
44 members, QPS members, who had written to the Commission of
45 Inquiry, and as you can see from there 90 per cent of the
46 submissions that we received spoke of there being a
47 negative police culture in relation to domestic and family

1 violence, sexism, misogyny or racism; can you see that
2 there?

3 A. Yes, I can, yes.

4
5 Q. All right. Two per cent of the submissions were
6 neutral and six per cent related to other matters; that is,
7 they weren't writing to us about cultural issues. As you
8 can see, two per cent of them spoke in positive terms about
9 cultural issues at the QPS. Can I ask you this: does that
10 surprise you, that there would be a cohort of your members
11 who consider that there are issues with respect to negative
12 cultural attitudes relating to sexism and misogyny, racism,
13 and domestic violence?

14 A. I would expect that the people that wrote in, they
15 would be negative because they're going to tell you
16 stories, you know, that are in the QPS that are negative.
17 I would prefer that 180 of these were positive, but
18 unfortunately they're not. I know that there are these
19 issues in the QPS. I have conceded that. But that's what
20 reform is about and that's what my intention is.

21

22 Q. Okay.

23 A. So I would prefer that it was the other way, but
24 I acknowledge the submissions you got are largely negative.

25

26 Q. All right. We, that is the Commission of Inquiry,
27 then requested that on the back of these submissions that
28 the QPS provide us with data in respect of the last two
29 years worth of complaints relating to threatening,
30 harassing or bullying behaviour, including in respect of
31 sexism, misogyny, homophobic behaviour or racism, and you
32 would be aware that the QPS has provided us with data in
33 relation to the number of complaints that have been made in
34 that regard?

35 A. Yes, yes.

36

37 Q. Could I ask you to go to A3 in your folder?

38 A. That's correct, yes; I've got it, thank you.

39

40 Q. And that's also been brought up on the screen. What's
41 on the screen is a summary of the data that the QPS
42 provided to the Commission of Inquiry in relation to all of
43 those sorts of complaints. Now, I want to make it clear
44 that the number of complaints that have been made do not
45 relate specifically and only, rather solely, to sexism and
46 misogyny, homophobia and racism because they are subsets of
47 the threatening, bullying and harassing behaviour that we

1 requested data in respect of; you can see that?

2 A. Yes.

3

4 Q. Okay. It is difficult to tell from the raw data
5 whether conduct which is, say, described as threatening
6 within the material provided to us might also have a sexist
7 connotation to it. Do you accept that there is a
8 difficulty in trying to go through all of the complaints to
9 determine whether or not, say, conduct which is threatening
10 might in fact also involve sexist conduct?

11 A. It is difficult, but I did get my team to try and
12 break down the data as much as they can because for me that
13 was very important.

14

15 Q. Of course. The difficulty is that you only get so
16 far, don't you, because, although in the data there's a
17 column which might help you identify the allegation type
18 and you might find that it's described as being
19 threatening, nonetheless, when you open up the particular
20 file in many cases you find that it's not simply
21 threatening conduct, it's actually threatening conduct in
22 the context of sexist behaviour?

23 A. Yes.

24

25 Q. And that makes it hard to determine which complaint
26 falls into which category; correct?

27 A. In some instances. In others it may not. But they
28 are allegations. So when you get a set of allegations
29 you're always going to have that issue to some extent.

30

31 Q. All right. Now, just having a look at this data we
32 can see that in those two financial years between 30 June
33 2020 and 30 June 2022 there were 16,000 - sorry,
34 1,600 - I'll start again - 1,676 allegations made against
35 738 separate QPS members?

36 A. Yes.

37

38 Q. Okay. And, again just to be clear, not all of those
39 allegations will involve allegations of sexist, misogynist
40 or racist behaviour but we know from going through the data
41 that much of it does?

42 A. So I have been through the data. So I got my team to
43 break down the data. To your point, sometimes it's
44 difficult, you know, to separate the two.

45

46 Q. Yes.

47 A. But certainly, if you bear with me, the unprofessional

1 conduct is 540; failure of duty, 284; misuse of authority,
2 268; excessive use of force, 134; discriminatory sexual
3 harassment; 99; sexual offence, 17; sexualised, 172;
4 racism, 64; misogynistic, 23; and homophobic, four. For me
5 it was incredibly important that I do break down the data
6 because having so many categories put together is very,
7 very difficult to get a sense of what's happening amongst
8 all of those allegations.

9

10 Q. And when you say you broke down that data have you
11 arrived at numbers in respect of those categories by
12 determining that in the "allegation type" column those
13 number are identified?

14 A. Yes, that's I understand how Ethical Standards would
15 have done it; yes.

16

17 Q. So it's not your understanding that that involves a
18 full assessment of all of the descriptions of the
19 allegations to determine whether or not something which
20 might be categorised as discriminatory behaviour in fact
21 when you look at it involves something which has a racist
22 or a sexist undertone to it; that level of analysis hasn't
23 been done?

24 A. Okay, I believe it has been - - -

25

26 Q. I'm being told by your counsel that that level of
27 analysis has been done.

28 A. Has been done, yes.

29

30 Q. Someone at Ethical Standards has gone through and read
31 the description of each of those matters?

32 A. Of all of them, yes.

33

34 Q. To decide whether or not they involved sexist,
35 misogynist or racist conduct?

36 A. I understand; that's correct, yes.

37

38 Q. Okay. Well, I might ask that perhaps that document
39 that breaks those down could be provided to us at some
40 point after your evidence today?

41 A. Thank you.

42

43 Q. What we can see from this general summary of the data
44 is that complaints are made against subject members all the
45 way through the ranks, and in these particular years it
46 included an allegation in respect of your
47 deputy commissioner; I think that might have been a

1 reference to Mr Taylor?

2 A. Yes.

3

4 Q. Can you see that from the box on the right-hand side?

5 A. That's correct, yes.

6

7 Q. We can see, can't we, that there are some allegations
8 that are made against your unsworn members. That's the
9 columns on the right-hand side of that box. But they're
10 very small numbers by comparison to the allegations that
11 are made against sworn members of the QPS?

12 A. Yes.

13

14 Q. And there are a number of allegations that were made
15 against commissioned officers, but more were made against
16 non-commissioned officers, which would stand to reason
17 given the higher proportion of non-commissioned officers
18 within the QPS?

19 A. Yes. And the only other thing - I think it's
20 important to know how many - and I don't know, but it would
21 be important to know how many A08s you have or how many
22 staff you have, because staff do make up 5,000 of the
23 seventeen and a-half thousand workforce. So I just wanted
24 to add that in there so it gives it more context.

25

26 Q. Okay.

27

28 COMMISSIONER: Sorry, 5,000 unsworn staff?

29 A. Yes.

30

31 MS O'GORMAN: In any event, the numbers of allegations
32 made against the unsworn staff are very low compared to
33 those against sworn officers; correct?

34 A. Yes.

35

36 Q. All right. What this summary also tells us is that
37 the allegations relate to conduct complained of right
38 across the organisation. So we can see that there are
39 complaints made against officers who are located in each of
40 the portfolios shown on the picture?

41 A. Not right across. There's many areas that have no
42 complaints, and what concerns me about it, it is
43 allegations and I'll give you an example. I delved into
44 some of the complaints, and there was particularly a
45 complaint in a person for Policy and Performance, and you
46 will see that in the Strategy and Corporate Services, the
47 left aisle, you know, all the way down to Legislation, out

1 of interest to see what - - -

2

3 COMMISSIONER: Sorry, which column is that? Strategy and
4 Corporate Services, yes.

5 A. Yes. And, Your Honour, if you just go down to the
6 left of that.

7

8 COMMISSIONER: Policy and Performance Legislation, yes,
9 I can see that.

10 A. So there was a complaint against a very senior female,
11 which I was surprised at, but no further action was taken.
12 So if I was to just go to that column then that would be 00
13 and that would be green. So I am concerned about the data
14 in that vein. If you also then look at Brisbane region
15 where it highlights amber and red, and for me if I look at
16 Working for Queensland survey results amber and red would
17 be, you know, you need to have concerns about those areas.
18 But North Brisbane region has 1,500 members and
19 South Brisbane region also has 1,500 members. So I feel
20 there just needs to be more context to the data to better
21 understand it.

22

23 MS O'GORMAN: Well, this is just a summary of - - -

24 A. Yes, and I take that point.

25

26 Q. - - - a huge amount of data that your organisation has
27 provided us with.

28 A. Yes, thank you. Yes

29

30 COMMISSIONER: Sorry, 1,500 in North Brisbane?

31 A. Yes, and similarly South Brisbane.

32

33 COMMISSIONER: So that's 10 per cent.

34 A. Allegations, Your Honour, so over a two-year period,
35 yes.

36

37 MS O'GORMAN: That would be the total number of
38 allegations, but there's only 122 in the North Brisbane
39 district.

40

41 MR HUNTER: That's allegations.

42

43 COMMISSIONER: 122 allegations.

44

45 MS O'GORMAN: Allegations made against 72 subject
46 officers.

47

1 COMMISSIONER: 72 officers.

2

3 MS O'GORMAN: That's so.

4

5 COMMISSIONER: So more than 5 per cent; is that right? My
6 maths isn't great.

7

8 MR HUNTER: 4.8 per cent, Commissioner.

9

10 MS O'GORMAN: One thing I wanted to ask you about the
11 prevalence of these allegations across the portfolios is
12 see if you would agree with the proposition, and I take it
13 from things that you have already said in advance of my
14 question that you would, that the allegations are really
15 concentrated in areas where there are more sworn officers
16 than unsworn staff; you'd agree with that, I take it?

17 A. Sorry, I'm just looking at it. The only reason being
18 is Crime and Intelligence Command is mostly sworn officers.

19

20 Q. Yes.

21 A. Ethical Standards is mostly sworn officers. See, I've
22 just got to be careful about that because some of these
23 areas - Crime and Corruption, mostly sworn officers. Ops
24 Support Command, mostly sworn officers. So to a point.

25

26 Q. Yes.

27 A. To a point.

28

29 Q. All right. Now, as you've heard, we did receive a
30 large number of submissions.

31 A. Yes.

32

33 Q. Many of which told us about particular allegations
34 related to sexism and misogyny and conduct engaged in by
35 your members in recent years. In each of the cases that
36 I'm going to take you to this morning we have been able to
37 obtain data from the QPS that verifies that those matters
38 that we were told about in submissions did in fact occur,
39 and I wanted to take you to some of them now to have a look
40 at the conduct that occurred and the outcome that arose in
41 each case and explore with you the appropriateness of the
42 outcome in those cases.

43

44 Can I start with one example which was finalised in
45 2020. In that regard we might go to document E2?

46 A. Thank you.

47

1 Q. In that particular case there was a senior constable
2 at a particular station who was being managed by his female
3 officer in charge in respect of poor workplace behaviour
4 and conduct. He applied for a relieving position and she
5 refused to grant it to him, given his workplace conduct.
6 You'll see from that summary, if we zoom in on the
7 italicised section there, that that police officer then in
8 the presence of four or five other officers at the station
9 said in respect of the female officer in charge:

10
11 *She is nothing but a cunt, and if she*
12 *doesn't give me a relieving role, I am*
13 *going to punch her in the cunt.*
14

15 Can you see that?

16 A. Yes.

17
18 Q. All right. Now, the material demonstrates that one of
19 the officers who heard that was concerned not only that the
20 officer would speak like that about the officer in charge
21 but that it might actually pose a risk to her safety; do
22 you see that?

23 A. Yes.

24
25 Q. And he raised that with the officer in charge?

26 A. Yes.

27
28 Q. The officer in charge then made a complaint about the
29 matter to Ethical Standards Command. The matter was
30 investigated and it was found that the conduct had occurred
31 and that it did in fact constitute a threat against the
32 female officer in charge; do you see that?

33 A. Yes.

34
35 Q. Now, there's a couple of things about this particular
36 conduct, isn't there? Firstly, it's extremely
37 insubordinate for a senior constable to speak that way
38 about a superior officer, in particular the officer in
39 charge of the station?

40 A. Yes. Yes, definitely.

41
42 Q. It's also deeply sexist and misogynist sort of
43 language to be using about someone in that position or
44 about any woman for that matter?

45 A. Yes. And also I think there's an element of violence
46 to it as well.
47

1 Q. Certainly Ethical Standards Command found so?

2 A. Yes.

3

4 Q. The matter was dealt with, we discovered, by way of
5 local management resolution. Now, you explained to us
6 earlier that local management resolution can be appropriate
7 in circumstances where you want a quick resolution to a
8 matter which might involve a legitimate error or a minor
9 transgression?

10 A. Yes.

11

12 Q. In this particular case when we looked a little closer
13 we saw that the local management resolution required the
14 senior constable to make a written apology to the officer
15 in charge; can you see that?

16 A. Yes, I can, thank you.

17

18 Q. All right. In fact he sent a written apology to her
19 on 14 September 2020. It was nearly two years after he had
20 made the comments.

21 A. Yes.

22

23 Q. All right. Firstly, I imagine you would accept it was
24 probably deeply unsatisfactory for that officer in charge
25 to receive a forced written apology from a senior constable
26 nearly two years after he had spoken about her like that?

27 A. Completely inappropriate.

28

29 Q. All right. Secondly, would you accept that dealing
30 with the matter by way of LMR in those circumstances was
31 insufficient?

32 A. Completely inappropriate.

33

34 Q. It doesn't appear from the file that we've been
35 provided with that anything was said by someone in a
36 position of leadership at the station about the
37 appropriateness or otherwise of the comment. In the
38 circumstances, could there have been some utility in a
39 senior manager saying at the station that that sort of
40 conduct was condoned by the organisation, would not be
41 tolerated and could not occur again?

42 A. Yes. When I look at this, every aspect of it has been
43 inappropriately dealt with.

44

45 Q. All right. Could we go, please, to document B14. In
46 that particular case that we've just been to, Commissioner,
47 the female officer in charge did herself make a complaint

1 to Ethical Standards Command, and you gave evidence on the
2 last occasion, I'm paraphrasing here - - -

3 A. Yes.

4
5 Q. But I took it that you are confident to an extent that
6 you understand the extent of sexism and misogyny in the QPS
7 because you look at the fact that 30 per cent of complaints
8 against police are made by police and from that you say
9 that information shows you that people are willing to speak
10 out?

11 A. Yes, yes. Yes. To an extent I think I - I would have
12 to recall the exact words.

13
14 Q. I don't think you said "to an extent", but we can
15 revisit that.

16 A. Yes.

17
18 Q. That's what I wanted to spend some time looking at
19 now.

20 A. Yes.

21
22 Q. One of the very strong things that came through in the
23 submissions and the conversations we've had with your
24 members is that there is a pervasive fear amongst your
25 members that they can't speak out for fear of reprisal,
26 including reprisal by the organisation against people who
27 do speak out. If you have a look at this document, it sets
28 out of those 202 submissions that the Commission had
29 received at the time this document was put together how
30 many people asked for their matter to be kept confidential?

31 A. Yes.

32
33 Q. You can see that 66 per cent either sent in their
34 submission anonymously or requested confidentiality?

35 A. Yes.

36
37 Q. Only 8 per cent said that their submission was not
38 confidential?

39 A. Yes.

40
41 Q. And 26 per cent didn't specify in the submission
42 whether they wanted it to be confidential or not; do you
43 see that?

44 A. Yes.

45
46 Q. Can we go to document B15, please. I'm just going to
47 put up there for you to have a look at some of the terms in

1 which the requests for confidentiality were made. We can
2 see that, for example, one person wrote and said:

3
4 *It's my intention at this time to remain*
5 *anonymous. Part of the reason will become*
6 *evident with some of the content of my*
7 *submission. The remaining part is for fear*
8 *of reprisal and future career harm.*

9
10 A. Yes.

11
12 Q. Can you see that?

13 A. Yes.

14
15 Q. All right. If we go down a couple of paragraphs you
16 can see that someone said:

17
18 *I write this email in confidence and wish*
19 *to remain anonymous due to the vindictive*
20 *behaviours I've experienced and observed*
21 *first hand due to the below. It's not safe*
22 *to speak out at this location. Those that*
23 *have, have paid dearly for doing so.*

24
25 You can see that?

26 A. Thank you, yes.

27
28 Q. Over the page, part of the way down you'll see a
29 paragraph that says:

30
31 *I hate the fact that I need to remain*
32 *anonymous. It would be career suicide*
33 *should I speak openly, and I find that*
34 *incredibly disappointing.*

35
36 A. Yes.

37
38 Q. And so it goes on. You can see that?

39 A. Yes.

40
41 Q. All right. Many people said that there would be
42 consequences to their career if they spoke out either to us
43 or to the organisation internally about sexist and
44 misogynist conduct that they've experienced or observed.

45 A. Yes.

46
47 Q. Were you aware or do you accept now that there is a

1 level of fear amongst your members about speaking up about
2 matters related to sexism and misogyny?

3 A. So, the fact that increased reporting against police
4 officers by police officers has increased over the years,
5 I'm confident that a lot more people are speaking out.
6 I would be aware that some wouldn't. But what you've
7 presented to me concerns me with the numbers that you have
8 given me.

9

10 Q. All right. Do you have any sense of why it is that
11 there might be numbers of people, a cohort, within your
12 organisation that are fearful that if they speak out there
13 will be career damage done to them?

14 A. So when you look at policing services' hierarchical
15 organisations, and I have looked recently over other
16 policing services, there is particularly a fear because it
17 is hierarchical and it can - their career, they feel, can
18 be damaged by people within that organisation that actually
19 has control over their career. I think that is a relevant
20 fear in what you've shown me, obviously.

21

22 Q. Can we go to a case now that will allow us to explore
23 whether or not it's reasonable for people to fear that they
24 might suffer career damage if they speak out?

25 A. Yes.

26

27 Q. And in that regard could I have document B3 placed on
28 the visualiser, please. Sorry, I've called for the wrong
29 document. B17. So the file that we requested in respect
30 of this matter following on from a submission that we
31 received from one of your members demonstrated that in 2020
32 an investigation was conducted by the Juniper investigation
33 team and found that six officers in a particular area had
34 engaged in negative workplace behaviour including systemic
35 bullying against 15 other officers over a protracted period
36 of time. It was an extensive investigation based on 72
37 interviews with officers around the district. You can see
38 that there?

39 A. Yes, thank you.

40

41 Q. All right. Now, the worst of the behaviour it was
42 found by the internal investigation was behaviour carried
43 out by the officer in charge of the particular unit; you
44 can see that?

45 A. Thank you.

46

47 Q. And it was found that he had engaged in repeated

1 negative workplace behaviour towards nine complainants over
2 a 13-year period from 2006 right through to 2019?

3 A. Yes.

4

5 Q. And in addition the investigators found that there
6 were a large number of other people who were affected by
7 his conduct but who didn't wish to make a complaint even
8 when offered the opportunity to do so in a safe setting?

9 A. Yes.

10

11 Q. All right. Now, his behaviour included yelling,
12 making threats, swearing, openly criticising members,
13 making inappropriate comments, referring to members by
14 inappropriate names, allowing inappropriate material to be
15 displayed in the office, and extending favouritism to
16 certain members over others which created an unsafe or a
17 toxic work environment?

18 A. Yes.

19

20 Q. Now, in addition, he was found to have engaged in
21 systemic bullying in respect of three particular officers;
22 you're aware of that?

23 A. Yes.

24

25 Q. All right. One of the people who was bullied in a
26 systemic way by him was a female senior constable within
27 the unit.

28 A. Okay, yes.

29

30 Q. Yes. Now, she was the person who ultimately made a
31 complaint and instigated the broader investigation.

32 A. Yes.

33

34 Q. Okay. That investigation, as we've established, found
35 that that conduct that she made a complaint about was
36 substantiated. What we've found in respect of that matter
37 was that the officer in charge during the course of the
38 investigation remained in his role; you're aware about
39 that?

40 A. What period of time was that? I know he was on
41 extended sick leave.

42

43 Q. All right. If you just go to the second page of the
44 document and if we go to the second last paragraph, he
45 remained in his role and during the investigation was
46 provided opportunities to relieve in higher roles
47 elsewhere?

1 A. I can see that. From what I remember coming into the
2 organisation I thought he was on extended sick leave by
3 then. That's all. But I take your point.

4

5 Q. Okay. And ultimately his matter was dealt with by way
6 of local managerial resolution.

7 A. Completely inappropriate.

8

9 Q. Okay. When you talk about "completely inappropriate"
10 let's just go up the page a little bit to have a look at
11 some of this conduct because you'll recall that this was an
12 investigation in relation to negative workplace behaviours
13 and bullying, mentioned nothing about sexism and misogyny,
14 but when we go into the conduct we see there that his
15 conduct did include sexist and misogynist conduct. He sent
16 pornographic images to other police officers in his
17 station; you see that?

18 A. Yes.

19

20 Q. And he said in respect of two female job applicants,
21 "These lickens will never get a job in this office"; do you
22 see that?

23 A. Yes.

24

25 Q. All right. Now, he also engaged in racist behaviour.
26 He referred to one officer at his station as Osama or towel
27 head?

28 A. Yes.

29

30 Q. And he allowed mock certificates for completion of
31 courses - you'll see what those courses are there on the
32 screen in front of you - to be displayed on the work notice
33 board?

34 A. Yes.

35

36 Q. Now, not only that, at a time when there was only one
37 female officer working in the unit he allowed sexist
38 material to be displayed on the fridges, including an image
39 of a female in swimwear titled, "Tap and go"; you can see
40 that?

41 A. Yes. If you don't mind, sorry.

42

43 Q. Yes.

44 A. I just want to make sure I'm referring to the right
45 one. So if you don't mind can I just grab - the only
46 reason being it is I just don't want to confuse it with
47 another matter.

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Q. Your counsel will come and tell you which district we're talking about.

A. Thank you, because I actually was referring to another matter. So thank you. I do know who you're talking about now. Yes.

Q. All right. Thank you.

A. So, yes, the other matter I was talking about was one that I had known had gone on sick leave. So to your point, yes.

Q. Okay. All right. So I think we've established the conduct was appalling?

A. Yes.

Q. And you would agree with me that it was inappropriate in the circumstances that he be dealt with only by way of local managerial resolution?

A. Yes.

Q. You gave evidence earlier that that sort of resolution can be appropriate for a one-off incident; correct?

A. One-off, low-level incident.

Q. Okay.

A. Certainly not the case, yes.

Q. And we can see that this conduct went for 13 years?

A. Yes.

Q. Against 15 officers?

A. Yes.

Q. Okay. What I was getting at, though, was whether or not this demonstrates that people are right within your organisation to fear speaking out, and I was coming to that now. So we've established that this officer in charge got local managerial resolution, and you might be able to see from that second last paragraph that he has in fact subsequently been promoted to officer in charge of a larger station?

A. Yes. It's not technically a promotion. What it is is a station at a higher level.

Q. He is managing more people than he was before?

A. More people, yes, yes.

1
2 Q. And he's receiving more pay?
3 A. Yes, that's correct.
4
5 Q. Colloquially, if we could refer to that as a promotion
6 in that sense, you would accept that it is a promotion in
7 that way?
8 A. In that way.
9
10 Q. All right. However, if we cast our mind back to the
11 senior female constable who was the brave person who raised
12 these matters in the first place --
13 A. Yes.
14
15 Q. After more than a decade of it going unreported, we
16 can see from the files that we have had regard to that her
17 career has been damaged?
18 A. Yes.
19
20 Q. She remained at the station while the officer in
21 charge was elsewhere relieving in higher duties?
22 A. Yes.
23
24 Q. When he came back to the station she felt she had no
25 choice but to leave to avoid him?
26 A. Yes.
27
28 Q. It's a fair enough action for her to have taken, isn't
29 it?
30 A. Yes.
31
32 Q. In the circumstances?
33 A. Yes.
34
35 Q. And what we've heard is that she has now left her
36 detective specialist role that she was in at that time and
37 that she was passionate about. She 's now in uniform in
38 general duties in another district.
39 A. Yes.
40
41 Q. All right. She's paid a high price?
42 A. Yes.
43
44 Q. For the fact that she spoke out about this sexist and
45 misogynist conduct on behalf of the officer in charge?
46 A. Yes.
47

1 Q. All right. People in your organisation know about
2 this and we know that because we've been told about it from
3 your members. When word gets around about the fact that if
4 you, as a woman, make a complaint about a senior officer
5 and you then pay the price by having to leave your
6 detective specialist position and go back to general duties
7 somewhere else to avoid them and the officer in charge gets
8 put in charge of more people in a different area at a
9 higher rate of pay it's reasonable, isn't it, for your
10 members to have a deep fear of speaking out?

11 A. Deep fear of speaking out but also losing confidence
12 in a discipline system that should be protecting them.

13

14 Q. Okay. I want to have a look a little further at this
15 particular case because not only does it demonstrate, as
16 I think you've acknowledged, that there is a real risk that
17 when matters are dealt with like this and consequences
18 follow, as they have here, that people will be afraid of
19 speaking out, I want to have a look at the support that was
20 offered to this particular woman and two other senior
21 constables who did participate in the investigation. If
22 you wouldn't mind going to, but I don't need this put up on
23 the visualiser for now, document B18, please, in your
24 material.

25 A. Sorry, B18?

26

27 Q. That's so.

28 A. Sorry. Bear with me. Thank you, yes. Yes.

29

30 Q. We might have it placed on the visualiser. This is an
31 email that was sent to you by the district duty officer who
32 had been tasked with undertaking the initial assessment
33 investigation in relation to that matter.

34 A. That's correct, yes.

35

36 Q. Okay. And we can see on the visualiser an email that
37 he sent directly to you on 27 June 2020. Can you see that?

38 A. Yes.

39

40 Q. Can you see that he advised you:

41

42 *Last year I was tasked with conducting*
43 *preliminary investigations into multiple*
44 *allegations of bullying committed over*
45 *twelve years by particular district*
46 *supervisors.*

47

1 A. Yes.

2

3 Q. He said that he didn't need to go into details or
4 didn't want to go into details with you, but some of the
5 behaviour specifically levelled against female officers by
6 supervisors was nothing short of abhorrent?

7 A. That's correct.

8

9 Q. He advised you that during his investigations he even
10 spoke to two females who had by that time left the QPS
11 because of their treatment?

12 A. Yes.

13

14 Q. And he thought the fact that female QPS staff would be
15 treated so poorly in 2019 was beyond the realms of
16 possibility?

17 A. Yes.

18

19 Q. Okay. Essentially you can see that he is bringing to
20 your attention the fact that he had spoken with and engaged
21 with three senior constables to establish the allegations
22 against that officer in charge and the others who were the
23 subject of the investigation?

24 A. Yes.

25

26 Q. You see that he told you that those three officers
27 exhibited levels of apprehension and fear of reporting
28 misconduct, but felt compelled to do the right thing?

29 A. Yes.

30

31 Q. And essentially he says in the preliminary stages
32 those officers did what dozens could not. He says:

33

34 *As someone well versed in what constitutes*
35 *courage, I was so impressed by these*
36 *officers' willingness to stand up knowing*
37 *full well they were conscious it could*
38 *compromise their careers. As an*
39 *organisation, I truly believe we should be*
40 *embracing our officers who exhibit*
41 *unbreakable moral codes.*

42

43 You can see that?

44 A. Yes.

45

46 Q. He goes on to draw to your attention that over the
47 last year those officers had endured terrible levels of

1 stress, anxiety, sick leave, and ultimately regretted
2 embarking on the process because of the visible absence of
3 organisational support?

4 A. Yes.

5
6 Q. All right. He draws to your attention that,
7 irrespective of the manner in which the investigation was
8 handled, all three officers were left feeling compelled to
9 leave their detective specialist careers and return to
10 uniform policing because of the levels of discomfort that
11 they had suffered?

12 A. Yes.

13
14 Q. Okay. And ultimately he says the initial fears of
15 their complaint affecting their careers were realised; do
16 you see that?

17 A. Yes.

18
19 Q. He hoped that for a simple compassion you might
20 communicate with those officers to hear their stories and
21 perhaps convey admiration for their courage against all
22 odds and to have their personal suffering acknowledged?

23 A. Yes.

24
25 Q. And he said he was writing to you because he had made
26 an oath to those officers that he would do everything in
27 his power to seek them justice?

28 A. Yes.

29
30 Q. And at that point he could do no more?

31 A. That's correct.

32
33 Q. Now, we've heard from that particular officer that no
34 contact was made by you or your representatives of those
35 three women at that time and that he followed up with you
36 later that year in December of 2020 seeking that there be
37 some contact with those women but there was no contact
38 made?

39 A. So, just to explain the process and why that might
40 have occurred, I get 36,000 emails in my office every year.
41 Four police handle those 36,000 emails, and this is on top
42 of a thousand, you know, other letters - thousands of other
43 letters. So my staff will go through this, because I find
44 it extraordinarily difficult to go through all emails, and
45 I recall them coming to me about this incident and my - and
46 they triage. So what happens then, when an email comes in
47 they will then triage to get further information,

1 et cetera. And when this enquiry came through
2 the Commission of Inquiry into my office, I said, "Well,
3 you know, where did it go?" So it went to CCE, who would
4 normally give me more information, background information.
5 My staff told me that they had not got anything back and
6 they followed it up, and then after that, they had not
7 heard back, but my staff didn't follow up.

8
9 When I saw this in your material and it came to me
10 I immediately phoned those three officers and had a
11 discussion with them. If it doesn't come back to me and my
12 staff don't organise it, I just can't think of it, you
13 know, like, there's just so much in my diary. And they had
14 a candid chat about how they felt, and they're - they were
15 so upset about the outcome and what it did to their career,
16 so upset, and I profusely apologised that because of
17 everything that happens in my office that I did not get
18 back to them, and I've given an undertaking to take up with
19 them in the next couple of weeks.

20
21 Q. It's a problem, isn't it, that people like these three
22 detective senior constables who suffered this terrible
23 injustice, really, can fall through the cracks within your
24 organisation and not receive the support that they need?

25 A. It is. I wished that it didn't fall through the
26 cracks. I've been in their situation. I know what it's
27 like, terrible, and I profusely apologise to them that it
28 actually did.

29
30 Q. All right. Can we just go to a couple of the things
31 that those women have told us, the Commission. Perhaps if
32 you go to document B19. When we spoke to these women, the
33 first detective senior constable, as she was then, told us
34 this. She said, "I was definitely reluctant and scared to
35 make a complaint. It's common knowledge amongst the police
36 that if you make a complaint then you will be regarded as a
37 dog and it will potentially ruin your career. However, it
38 reached a point I felt I had no other choice." Do you see
39 that?

40 A. Yes.

41
42 Q. And if we scroll down a little bit to the last two
43 paragraphs on that page, she said - and we asked her this
44 because of what the district duty officer had told us about
45 his attempts to reach out to you to seek support for them?

46 A. Yes.

47

1 Q. She said, "I have not had any contact with
2 the Commissioner or her representatives in relation to the
3 complaint. It is hard to say whether it would have helped
4 or not. When the Commissioner was appointed I was so
5 hopeful that the time had come where this behaviour would
6 no longer be tolerated and that this would be the start of
7 major change. There are some amazing people in this
8 organisation who do some fantastic work. However,
9 unfortunately, I still see this behaviour on a very regular
10 basis," and ultimately she concluded that, if she had known
11 the outcome of the investigation, "I would never have made
12 the complaint. The consequences to myself and my career
13 were not worth the outcome." You can see that?

14 A. Yes.

15

16 Q. It didn't have to be that way for her, did it, if
17 there were sufficient frameworks in place within the
18 organisation that she wouldn't have fallen through the
19 cracks. She didn't have to suffer the consequences that
20 she has?

21 A. In that instance, no.

22

23 Q. Okay. In respect of the other two women who didn't
24 initiate the complaint but nonetheless co-operated with it,
25 you'll see over the page that one of the senior constables
26 said, "I was a witness in the Juniper investigation. The
27 officer-in-charge's behaviour was renowned in the district.
28 Everyone knew what he was like and what was happening, but
29 until the Juniper investigation no one felt comfortable to
30 make a complaint about it. This is just the QPS culture.
31 Everyone knows that if you complain you will say goodbye to
32 your career." Do you see that?

33 A. Yes.

34

35 Q. She says, "I'm now working in general duties. I have
36 lost my detective's allowance and my plain clothe's
37 allowance, but my sanity is worth more than money. In the
38 end I was willing to give up that part of my career in
39 order to keep my sanity and get out of that office." See
40 that?

41 A. Yes, yes.

42

43 Q. Now, you'd agree with me that no woman in your
44 organisation should be placed in a position where she has
45 to choose between speaking up about conduct that's
46 occurring to her which is deeply unacceptable and damaging
47 her own career; correct?

- 1 A. Totally agree.
2
- 3 Q. All right. This particular case represents a failure
4 not just of your internal systems to ensure that women
5 don't fall through the cracks but a failure of leadership,
6 doesn't it, because your integrity framework requires that
7 senior officers and senior leaders within your organisation
8 must create a culture in which employees are prepared to
9 report misconduct and are supported when they do?
10 A. Yes, yes.
11
- 12 Q. You're aware of that requirement?
13 A. Yes.
14
- 15 Q. And in this particular case the leadership aspect has
16 fallen down in the sense that these women were not
17 supported when they reached out and made a complaint;
18 correct?
19 A. Yes.
20
- 21 Q. All right. It's reasonable in light of cases like
22 this that other women would feel constrained, entirely
23 reluctant to make complaints when bad things are being done
24 to them?
25 A. When bad things are being done to them in light of
26 what you've shown me, yes.
27
- 28 Q. All right. Can we go to another example then that
29 demonstrates that in fact we know, that is the QPS should
30 know, that there are instances where people are not making
31 complaints. If we can have document B3 put up on the
32 visualiser, please. Now, this matter is very recent. The
33 investigation only came about because of the 2021 Working
34 for Queensland survey results?
35 A. Yes.
36
- 37 Q. Those results highlighted that there was an area where
38 there was a level of disengagement within the particular
39 unit?
40 A. Yes.
41
- 42 Q. An investigation was conducted, enquiries were made of
43 members within the unit, all of whom were deeply reluctant
44 to speak to investigators; can you see that?
45 A. Yes.
46
- 47 Q. In fact, they had to be compelled to do so, directed

1 to do so?

2 A. Yes.

3

4 Q. If I might just have a moment. Mr Hunter has
5 suggested that it might be easier if you have a look at the
6 document in your folder rather than on the screen.

7 A. Yes.

8

9 Q. Because then you won't have the redactions, and it
10 might be easier for you to know which district we're
11 talking about.

12 A. Which case is it? B?

13

14 COMMISSIONER: B3.

15

16 MS O'GORMAN: This one is B3. So if you go to that B3
17 tab. If you just confirm that's the same as what's on the
18 screen, it might be easier for you to follow because that's
19 not redacted on your copy.

20 A. Yes, I know which one you're referring to. Thank you.

21

22 Q. All right. Thank you. So in that particular case we
23 just established that the results showed a level of
24 unhappiness in a particular unit?

25 A. Yes.

26

27 Q. And ultimately the members of the unit had to be
28 directed to answer investigators' questions?

29 A. Yes.

30

31 Q. The investigation then determined that the head of the
32 unit, who was a detective senior sergeant, had engaged in
33 workplace sexual harassment and bullying over a two-year
34 period?

35 A. Yes.

36

37 Q. And that his conduct had significantly impacted on the
38 workplace culture that those members were part of?

39 A. Yes.

40

41 Q. Now, his matter has been substantiated, that is the
42 investigation has completed and determined that the conduct
43 did occur, but the final hearing in respect of what
44 sanction should be imposed on him has not yet occurred?

45 A. Okay. Yes. Thank you.

46

47 Q. All right. What we can see there, though, is the sort

1 of conduct that that detective sergeant was engaging in
2 over a two-year period without anybody raising a complaint
3 about it. So if we could perhaps go to the bullet points
4 under the heading "Sexual harassment and sexualised
5 conversations" --

6 A. Yes.

7
8 Q. -- you'll be able to see that the files demonstrated
9 that that particular detective senior sergeant had engaged
10 in repeated sexualised comments in the presence of the
11 female members of the unit, which included discussions
12 about his penis, and the comments were continuous, frequent
13 and persisted over that time?

14 A. Yes.

15
16 Q. Now, he had a desk with a bulbous end on it. The
17 files demonstrate that he used to ask the women, the police
18 officers, in his unit to come in and have a sit on his
19 knob?

20 A. Yes.

21
22 Q. You see that?

23 A. I can see that, yes.

24
25 Q. All right. He wanted a particular female detective
26 sergeant to come and work at the unit because he had a
27 sexual interest in her. He told everyone at the unit that
28 that was so?

29 A. Yes.

30
31 Q. Once she had been there and he had introduced her to
32 staff, he later told junior members at the unit who didn't
33 even know this woman on more than one occasion, "Trust me,
34 I know," referring to her genitalia and what it looked
35 like?

36 A. Yes.

37
38 Q. Implying that he had intimate knowledge of this
39 woman's genitalia?

40 A. Yes.

41
42 Q. He showed pornographic videos to junior members and
43 made sexualised comments to those junior police officers?

44 A. Yes.

45
46 Q. He downloaded an image of a women in active wear from
47 one of the female police officer's social media sites,

1 shared it with others and added sexual comments to it?

2 A. Yes.

3

4 Q. And he made repeated sexualised comments to others
5 about his own sexual relationships and interests?

6 A. Yes.

7

8 Q. All right. Now, one of the male officers who was
9 spoken to described him as a creepy old man, said that he
10 was outrageous. He said that all of his conversations
11 whenever a woman was around would gravitate towards
12 something sexual?

13 A. Yes.

14

15 Q. All of the people in that unit were negatively
16 affected by their leader's conduct?

17 A. Yes.

18

19 Q. One male officer was taking long service leave because
20 he was just so sick of it?

21 A. Yes.

22

23 Q. Another male officer who was repeatedly bullied - two
24 male officers were found to have been bullied by this man -
25 had left the workplace and gone to work somewhere else?

26 A. Yes.

27

28 Q. And one woman was leaving, and she told investigators
29 that his behaviour was a factor in her leaving the
30 organisation altogether?

31 A. Yes.

32

33 Q. That woman said that she hadn't wanted to make a
34 formal complaint about the things that had been done to her
35 because of the impact that it would have on her career?

36 A. Yes.

37

38 Q. The upshot of this particular case is that it
39 demonstrates, doesn't it, that there are people who are
40 very reluctant to make complaints to the point where
41 complaints are not even being made and matters like this
42 are not coming to the attention of the QPS except by some
43 other means?

44 A. Yes, there are instances of that, definitely.

45

46 Q. Okay. And that should cause concern, shouldn't it, to
47 you and the QPS more broadly to know that you couldn't know

1 and don't know the extent of the sexist and misogynist
2 conduct that's occurring in your organisation in
3 circumstances where people refuse to make a complaint about
4 it?

5 A. So through the complaint system is one way and, yes,
6 underreported. But the other way is also looking at
7 Working for Queensland survey results, which are - and we
8 purposely bought them in - if you bear with me,
9 Your Honour. When I started in the QPS in 2019 the Working
10 for Queensland survey results were very low, 38 per cent.

11

12 Q. Thirty-eight per cent what?

13 A. Of respondents replying to Working for Queensland.

14

15 Q. I see.

16 A. Yes. And I purposely wanted to drive that up so we
17 could see, you know, what was happening across the
18 organisation. So we got that to 70 per cent. And
19 I brought someone into the organisation from another
20 organisation to actually start looking at that data to
21 bring it to the executive leadership team to start
22 proactively looking at areas of concern - and bear with me
23 because it goes to the point of some of the things that I'm
24 trying to address in here.

25

26 Then the data - and it was uncomfortable, and never in
27 the QPS history have we - prior to that have we bought all
28 the data in front of the executive leadership team to look
29 at what was happening across the organisation. So with
30 that in the CCE, the Communications, Culture and Engagement
31 Command, there is a proactive mechanism that we then in my
32 Commissioner's performance review - and that I also
33 introduced when I came into the QPS - we look at areas of
34 concern and then proactively send people out to look at
35 those areas of concern and then also use the WAST system
36 for people to come to them to complain about issues.

37

38 So prior to me coming to the organisation there were a
39 number of views across Australia in terms of this very
40 issue in other policing organisations. The past
41 Commissioner accepted that it shouldn't be any different in
42 QPS and set up what was Juniper, an area that had triaging
43 of complaints, ability to come in and just talk, ability to
44 then put complaints to the Ethical Standards Command, and
45 in fact I think out of the 250 members - sorry, initial
46 matters they dealt with most of the matters were bullying
47 matters and some - and I've just got to get the figures, so

1 I'll call that up.

2

3 So when I came in and we started doing this piece of
4 work I reviewed - I had Juniper reviewed, and what we found
5 was - and it was set up on temporary positions, and so what
6 we found was that proactive part of getting people in, you
7 know, assessing them, looking after their welfare had
8 fallen away, and it was more an investigative arm, and it
9 really suffered in the agency. So I wanted to then
10 transition that into CCE, that we have a workforce
11 assessment team that not only reacts but is proactive, so
12 looks at the front end as well as the back end.

13

14 Aspects of that have gone extraordinarily well and
15 aspects of it - and I - and really due to, again, a
16 capacity issue, temporary relieving positions and
17 inconsistency in it - could improve. With that unit we've
18 just done the CCE review. That unit will go over to the
19 safety and wellbeing area, because what we found, and when
20 I even spoke to that unit, what was lacking when people
21 came to them is all these areas of support that sit within
22 that unit.

23

24 So I get data from that, and, again, most of that data
25 sits around conflict management in the organisation, and in
26 fact from the very first piece of work what we found was
27 the conflict management and workplace bullying issues came
28 about as a result of the leadership style in the
29 organisation, very paramilitary, command and control. So
30 we asked a consultant from University of Queensland to come
31 in and give us some guidance on changing the leadership
32 into the future, and as a result of that we've now got a
33 new leadership program in the QPS from senior constable
34 upwards to deal better with workplace issues, leading in
35 the workplace, managing in the workplace. And when you
36 look at the data and the research around this it really is
37 about giving the victims that confidence to go to a safe
38 place to be able to deal with the matter appropriately.

39

40 Over the last three years we've made extraordinary
41 attempts to get that right, and it has been extraordinarily
42 challenging because we're not quite there yet. I do
43 believe that having the move to safety and wellbeing with
44 all of the support services around it will improve that.
45 I've looked at other models where safe havens are provided
46 in the organisation but there also is external safe haven,
47 and in fact we still have - you know, you can call -

1 I think it's called Speak Safe. You can call those areas
2 externally. But they haven't been utilised that much. So
3 it is a challenge. It is a challenge, and I've made every
4 attempt to rectify and improve it.

5
6 One of the biggest challenges sits in terms of
7 capability, and capability is that you can actually do
8 this, you've got the skills, you've got the role, you know,
9 you have the capability in the organisation; and the other
10 one is a capacity. So that unit that I've got at the
11 moment sits at 30 per cent capacity, again - and,
12 Your Honour, I spoke to this the last time - mostly
13 relieving positions. I have some 500 relieving positions
14 at the moment across the organisation. Until we can put
15 positions against them. So extraordinary attempts have
16 been made to change the dynamic, and it has been
17 challenging. I just wanted to put that to you so you have
18 context of what we were doing.

19
20 Q. All right. Thanks. And I'll come back to Juniper and
21 WAST and CTT and the extent to which they've been
22 successful or otherwise?

23 A. Yes. Thank you.

24
25 Q. What I was trying to establish with you, though, is
26 whether or not you accept that a case study like this which
27 shows that persistent sexist and misogynist conduct by a
28 detective senior sergeant went unreported and unnoticed by
29 the organisation for two years does tend to demonstrate
30 that the organisation doesn't have a handle on how
31 extensive the problem is?

32 A. But I have data from Working for Queensland that
33 clearly shows me - and, believe me, people in Working for
34 Queensland are very honest in their feedback that they
35 give - that - particularly one of the questions that sits
36 around, "Have you been subjected to sexual harassment in
37 the last 12 months," and that sits at one to two per cent
38 of an organisation of, you know, 17 and a-half thousand,
39 and 70 per cent, I think 11,000, took part in that, and
40 I have looked at data across all other public service and
41 it is at a very similar level. So I accept in these
42 instances definitely, I accept that it is completely
43 unacceptable. But I countercheck that with, you know,
44 other data that I have.

45
46 Q. What I'm trying to understand is whether or not you
47 accept that the QPS does not know the full extent to which

1 sexist and misogynist conduct is being engaged in by your
2 officers because, as we can see, people are not always
3 making complaints, and I'm suggesting that reviewing the
4 Working for Queensland survey results isn't going to give
5 you a full picture of that either?

6 A. But many metrics do. The amount of people that come
7 into the WAST area, the amount of complaints that you
8 receive, Working for Queensland, you know, data, all of
9 that is important. But I do take your point, though, there
10 could be better systems to get a more precise handle.

11
12 Q. Okay. Some of the submissions that we have received -
13 and these are submissions that we have received in the last
14 month - have spoken about that deep fear of speaking out.
15 Some of them have said that they wouldn't make a complaint
16 and you should not make a complaint about your colleagues
17 because you'd be risking your career development and
18 earning a reputation as a dog. One submitter told us,
19 "I've heard stories about other officers leaving dog food
20 on colleagues' desks after they made a complaint." Perhaps
21 if you go to B16 - I don't need all of these brought up on
22 the screen --

23 A. Thank you.

24
25 Q. -- but just so that you can see them, Commissioner.

26 A. Thank you. Thank you, yes.

27

28 Q. You can see that?

29 A. Yes.

30

31 Q. You can see that someone else wrote to us and said,
32 "I feel compelled to offer a few examples of my
33 experiences, which I have raised before but I believe have
34 been deliberately concealed. When I push for an outcome
35 I was threatened with prison by senior police, assaulted by
36 police. I have been fed dog food and given a dog bowl";
37 see that?

38 A. Yes.

39

40 Q. Someone wrote to us and said you wouldn't speak out
41 because if you do the cloud of having made a complaint
42 follows you, you'll be known as a dog?

43 A. Yes, I've seen that, yes.

44

45 Q. Someone who wrote to us said that they had spoken out
46 and in fact they gave themselves a bad name as being a dog,
47 people no longer wanted to work for them; see that?

1 A. Yes.

2

3 Q. See that someone else told us that they "did speak to
4 another police officer about making a formal report but was
5 afraid that I'd be perceived as a dog"; see that?

6 A. Yes, I see that.

7

8 Q. All right. Someone else wrote to us saying, "I am
9 very fearful making this submission. Over my years of
10 service I have never said a word against the things
11 I observe internally in the organisation. Speaking out
12 will have a severe impact on my career. If anyone ever
13 finds out, my reputation as a [we've redacted the role]
14 will be completely ruined. I'll be labelled a dog, a
15 snitch, and that reputation will follow me wherever I go in
16 the state, effectively destroying my career, my
17 opportunities for promotion, attending courses, getting
18 secondments, et cetera"; you see that?

19 A. Thank - yes.

20

21 Q. So we know that sometimes people are not making
22 complaints just from the matters that we've already gone
23 to; correct?

24 A. Yes.

25

26 Q. And you've said that you're relying then on Working
27 for Queensland survey results in order to be able to detect
28 where there are levels of unhappiness within your
29 organisation; correct?

30 A. No, I said I'm relying on a number of metrics.

31

32 Q. Okay.

33 A. Yes.

34

35 Q. Well, we can come to what else you were relying on,
36 but, as I understood it, one of those is the Working for
37 Queensland survey results; correct?

38 A. Yes.

39

40 Q. Now, you would know quite well, I take it, that only
41 68 per cent of your organisation responded to the Working
42 for Queensland survey last year; correct?

43 A. Sixty-eight per cent is a very, very high number --

44

45 Q. Well, that's true --

46 A. -- for Working for Queensland, and in fact, as
47 I indicated, when I first came in it was at 38 per cent.

- 1
2 Q. It does mean, though, doesn't it, that there are
3 32 per cent of your organisation who didn't respond to that
4 survey?
5 A. Yes, it does.
6
7 Q. And of those 32 per cent you do not know how many of
8 those feel aggrieved because they've been the subject of
9 sexist and misogynist conduct and have not spoken out,
10 including for fear of being perceived as a dog?
11 A. But I will get a general sense from the percentage.
12 So if there's one per cent of 70 per cent that answered or
13 one per cent of the 38 --
14
15 Q. Yes.
16 A. -- that will give you a sense of what's happening.
17
18 Q. I'm not suggesting it won't give you a sense. What
19 I'm suggesting is that there is a huge cohort within your
20 organisation, some 32 per cent, who this year didn't answer
21 the Working for Queensland survey and who haven't through
22 that mechanism therefore given any answers which would give
23 you cause to go and find those people. You might have a
24 general sense, but you won't find particular people within
25 the organisation who are suffering from adverse
26 consequences - adverse conduct, rather, and not speaking
27 up?
28 A. No, I would know what's happening in terms of
29 percentages across the organisation.
30
31 Q. Okay.
32 A. Yes.
33
34 Q. So you would accept, would you not, that there will be
35 people in your organisation who fall through the cracks?
36 A. You have given me a couple of - a few examples where
37 that has definitely happened, yes.
38
39 Q. And do you accept that there is likely to be more than
40 just these couple of examples that I've taken you to?
41 A. Yes, there is likely to be more.
42
43 Q. All right. Can we go to another example then.
44 I might ask for document B31 to be put up on the
45 visualiser, please.
46
47 COMMISSIONER: Sorry, what number was it?

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MS O'GORMAN: B34. Sorry, I think I've said a number of different numbers now, and it should be B31, I believe.

A. Sorry, B?

Q. 31.

A. Thank you.

Q. Now, in respect of this particular matter, again we were notified about this matter through an anonymous submission received from one of your members. We requested files in respect of it and were able to ascertain that the matters that we've been told about in that submission were in fact correct?

A. Yes.

Q. A female senior constable in 2019 made a complaint to Ethical Standards Command about a male detective senior sergeant who was the officer in charge of the CIB; see that?

A. Yes.

Q. Now, that investigation was assigned to Juniper, who then found that there were in total 26 QPS staff members who had been harassed or bullied by the detective senior sergeant?

A. Yes.

Q. There were 84 allegations and, of those, 80 were substantiated; do you see that?

A. Yes.

Q. All right. His conduct included sexual harassment, sexual assault and predatory behaviour which was directed primarily at junior female members of his unit; do you see that?

A. Yes, yes.

Q. And the majority of the women were under his direct supervision?

A. Yes.

Q. Now, a large amount of that conduct occurred over a three-year period between 2016 and 2018, but investigators found that his conduct went all the way back to 2002; see that?

A. Yes.

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Q. So you accept in respect of this particular case as well that it appears that for a long period of time, between 2002 and 2018, this particular detective senior sergeant was engaged in sexist and misogynist conduct which evaded the notice of the QPS?

A. Yes.

Q. Now, that should be alarming, shouldn't it, that for more than a decade this particular detective senior sergeant was permitted to engage in behaviours which were sexist and misogynist and about which no one made a complaint?

A. That is alarming.

Q. All right. Now, we can see there that not only was his conduct generally sexist and misogynist but that he had in fact committed nine sexual assaults, one attempted sexual assault and other sexualised communications over messaging platforms?

A. Yes.

Q. As well as sexualised comments that were made by him within the workplace; do you see that?

A. Yes.

Q. His conduct included touching and invading the personal space of the women he supervised?

A. Yes.

Q. Giving them unwanted shoulder massages?

A. Yes.

Q. Touching them regularly by placing his hand on their shoulders, arms or waist?

A. Yes, yes, I do.

Q. Playing with their hair, hugging and kissing him; do you see that?

A. Yes.

Q. All very creepy behaviour to be engaged in by a detective senior sergeant preying on young women in his unit?

A. Definitely.

Q. All right. Now, all of that conduct, as we can see,

1 was unsolicited, unwanted and uninitiated?
2 A. Yes.
3
4 Q. That was ascertained by the investigators who
5 eventually investigated what he had engaged in?
6 A. Yes.
7
8 Q. Now, we can see in those dot points there a couple of
9 examples of the conduct that he had engaged in. We can see
10 that at on one particular nightshift he followed one of his
11 female officers into the women's bathroom?
12 A. Yes.
13
14 Q. Now, that would be a scary event?
15 A. Yes, definitely.
16
17 Q. You would accept that?
18 A. Yes.
19
20 Q. All right. When she confronted him about why he was
21 there he winked at her, laughed and said, "Don't be like
22 that, I thought you told me to come in here for a blow
23 job"; see that?
24 A. Yes.
25
26 Q. The files that we've got show that she was rattled and
27 shaking when she returned to work but managed to stay for
28 the rest of the shift?
29 A. Yes.
30
31 Q. All right. On another occasion he was about to
32 interview a woman, a female senior constable, for a
33 position?
34 A. Yes.
35
36 Q. She was waiting outside the room ready to go into the
37 interview?
38 A. Yes.
39
40 Q. He walked past her, slid his hand over her bottom, up
41 her back and onto the bottom of her bra; you see that?
42 A. Yes.
43
44 Q. Now, the files that we've got show that he walked,
45 without speaking to her, having touched her in that manner,
46 into the interview room and then joined the interview
47 panel; during the course of the interview one of the other

- 1 male police officers sitting on that panel passed this male
2 police officer a piece of paper that said "loose" with a
3 question mark?
- 4 A. Yes.
- 5
- 6 Q. And this male officer, having sexually assaulted this
7 female officer outside the room, then nodded in
8 acknowledgment, "Yes, she's loose"?
- 9 A. Yes.
- 10
- 11 Q. It's deeply disturbing, isn't it?
- 12 A. It's disgusting. It's predatory. It's unacceptable.
13 I completely agree with you.
- 14
- 15 Q. All right. That woman didn't complain, as we
16 understand it. This all came about incidentally. But, as
17 it turned out, that woman was highly rattled during her
18 interview, didn't do well and didn't get the job?
- 19 A. I'd expect I would be exactly the same.
- 20
- 21 Q. Yes. So it's unfair that women in your organisation
22 find themselves in positions from time to time where they
23 are the subject of sexist and misogynist conduct which is
24 not only deeply hurtful and potentially traumatic but it's
25 going to directly impact on their ability to progress in
26 their career?
- 27 A. It's completely wrong.
- 28
- 29 Q. All right.
- 30 A. It's not just hurtful. It's long-term trauma.
- 31
- 32 Q. Okay. On another occasion this particular police
33 officer walked up behind a female police officer under his
34 supervision, hugged her from behind and cupped her breast;
35 another sexual assault?
- 36 A. Yes.
- 37
- 38 Q. Okay. He told another female officer that he
39 supervised, "Fuck, you look so hot right now, I'd love to
40 slam you into those cabinets, what I could do to you"; see
41 that?
- 42 A. Yes.
- 43
- 44 Q. All right. Told another female administration officer
45 that her body looked good in the clothes she was wearing;
46 that sort of conduct?
- 47 A. Yes.

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Q. Put his hand around her waist and when he left he moved his hand and brushed it across her bottom, another sexual assault; you see that?

A. Yes.

Q. Now, none of these women complained; you understand that?

A. Yes.

Q. Okay. After another panel interview that he was involved in in relation to a female administration officer he told another male police officer in respect of that woman, "Go up and have a look at her. She has great tits and a great arse"?

A. Yes, yes.

Q. And in respect of another junior female constable that he had targeted to second to his unit he had been engaging in communications with her that she didn't like and she then reported some of those to her supervisor such that she was then not required to go and work in that particular unit, but she was advised by her supervisor that by not taking up that particular placement her professional development would be delayed by six to 12 months; you see that?

A. Yes.

Q. So another example of unfair conduct being suffered by a female police officer that impacts on her career development; yes?

A. Yes.

Q. All right. Now, what's quite concerning, I think you would accept, in respect of this matter, leaving aside the actual criminal offences that this police officer had engaged in, is the fact that the investigation found that his behaviour and management style was well known in the district. If you have a look on the second page of the case file you'll see that?

A. Yes. Yes.

Q. All right. And you see that, when the investigators looked into the matter and questioned the extent of knowledge of witnesses within the district, witnesses said that his behaviour was so well known in the district that it seemed impossible that senior management didn't know of

1 his action; you see that?

2 A. Yes.

3

4 Q. And witnesses told investigators that they didn't
5 report the Detective Senior Sergeant's conduct because they
6 feared reprisal from him or that the matter would not be
7 appropriately investigated?

8 A. Yes.

9

10 Q. Apparently he had implied to his staff that he had
11 connections with commissioned officers, and that had
12 created a culture of fear amongst the witnesses to his
13 conduct over that three-year period or the period going
14 right back to 2002?

15 A. Yes.

16

17 Q. Okay. Incidentally, the investigation also found that
18 he had been promoted far beyond where he should have been
19 essentially. You might be able to see from that italicised
20 passage, second from the bottom, that the investigators
21 found there's no justification or accountability provided
22 in relation to the Detective Senior Sergeant possessing the
23 required leadership skills to supervise a district office
24 of over 30 staff; you see that?

25 A. Yes.

26

27 Q. And in respect of the 80 allegations and the category
28 of women that he had offended against the investigator said
29 the Detective Senior Sergeant's rank and position allowed
30 him to have unfettered access to junior and vulnerable
31 subordinate staff, some of the sexual harassment and
32 predatory behaviour allegations appeared opportunistic,
33 that the Detective Senior Sergeant always targeted junior
34 female members; you see that?

35 A. Yes.

36

37 Q. Now, he didn't have any consequences because he
38 medically retired in 2019.

39 A. Yes.

40

41 Q. You can see that?

42 A. He was on extended sick leave for that period of time.

43

44 Q. All right. Nonetheless, this matter was finalised
45 last year and there was a post-separation disciplinary
46 declaration of dismissal made against him?

47 A. Yes.

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Q. All right. It's another example, isn't it, of the sorts of concerns that your organisation should have that this sort of conduct can go unchecked over long periods of time, up to a decade or more?

A. I'm definitely concerned about that.

Q. All right.

COMMISSIONER: Is that a convenient time?

MS O'GORMAN: Thank you. Thank you, your Honour.

COMMISSIONER: 2.15.

MS O'GORMAN: Thank you.

<THE WITNESS WITHDREW

LUNCHEON ADJOURNMENT

MR HUNTER: Your Honour, can I raise a matter. Can I make it clear that the matter I'm about to raise I'm not by - in any way seeking to detract from the significance of the evidence that's already been heard, but I'm concerned about a report of this morning's proceedings in the Courier Mail which --

COMMISSIONER: I haven't seen it.

MR HUNTER: It prominently reports that the inquiry into police responses to domestic violence has heard that 1,676 complaints relating to sexist, racist, misogynistic and homophobic behaviour were made against police over a two-year period. The evidence was that 1,676 allegations were made relating to allegations of threatening, bullying, and harassing behaviour that included racist, sexist, homophobic and misogynistic comments.

COMMISSIONER: Yes.

MR HUNTER: So it's clear from the document which is A3 in the tender bundle that complaints involving racism - racist, sexist, homophobic and misogynistic comments were merely a subset of that overall number, and so, to the extent that the report suggests that each of those complaints concerned that sort of behaviour, it

1 doesn't accord with the evidence.

2

3 MS O'GORMAN: Can I just quickly say I agree with that,
4 and the questioning along those lines of the Police
5 Commissioner did make clear that the allegations relate to
6 that broader theme and it was in respect of that question
7 that the Police Commissioner accepted that is the number of
8 allegations.

9

10 MR HUNTER: And I make no criticism at all of
11 the Commission or Ms O'Gorman. It's just the way in which
12 the evidence has been interpreted.

13

14 COMMISSIONER: Okay.

15

16 MR HUNTER: And the document that it provided to
17 Counsel Assisting that involves analysis by ESC of those
18 1,676 allegations, according to our analysis 300 involved
19 comments of the sort - that fall into those four
20 categories. So I simply raise that in the interests of a
21 fair and accurate report of this morning's proceedings.

22

23 COMMISSIONER: All right. I'm sure the Courier Mail will
24 be quick to correct that.

25

26 <KATARINA CARROLL, recalled:

27

28 <EXAMINATION BY MS O'GORMAN, continued:

29

30 MS O'GORMAN: In respect of that particular topic,
31 Police Commissioner, could I ask you to go to document B23
32 in your material?

33 A. Thank you, yes.

34

35 Q. You'll be able to see there that a number of
36 allegations made against two particular QPS members, one a
37 sergeant and one a senior constable, are set out in the
38 context of their bullying complaints?

39 A. Yes.

40

41 Q. And these descriptions in here have been provided to
42 us as part of that dataset that was requested in respect of
43 bullying, harassing conduct?

44 A. Yes.

45

46 Q. Okay. One of them, the allegation provided by the
47 QPS, if you have a look at the top paragraph, says the

1 complaints - sorry, the complainants allege the sergeant
2 creates a toxic, uncomfortable work environment by openly
3 praising some staff members in front of other staff members
4 by shaking their hands and patting their backs whilst not
5 even acknowledging others; you can see that?

6 A. Yes.

7
8 Q. When we've gone in and had a look at the files to see
9 a little bit more of the detail we were able to see that in
10 respect of that matter, for example, amongst other things,
11 he approached people in one team and tensed his chest,
12 asking staff to feel his chest and say words to the effect
13 of "tell me that you love me"; you can see that?

14 A. Yes.

15
16 Q. And thereby creating a toxic and uncomfortable work
17 environment?

18 A. Yes.

19
20 Q. You can see that there is some difficulty in trying to
21 delineate by way of any kind of bright line between conduct
22 which is only bullying and conduct which also has an
23 underlying sexist or misogynist tone to it?

24 A. Some difficulty, but I know that the Ethical Standards
25 Command went to great extent to try and unpack each of the
26 allegations.

27
28 Q. Do you know whether they class this as involving
29 sexist or misogynist conduct?

30 A. I would have to check. I wouldn't know.

31
32 Q. All right. In respect of the other one, we can see
33 there that that senior constable, the allegations against
34 him, at least when you look under the description in
35 respect of some of the files that we had the ability to
36 see, the conduct involved that particular officer spreading
37 rumours about two of the officers under his supervision,
38 including a female officer, telling people that they were
39 having an affair?

40 A. Yes.

41
42 Q. Do you see that? In respect of at least the female
43 officer you'd accept, I take it, that that would have
44 negative consequences for her in a professional setting?

45 A. Definitely.

46
47 Q. Now, that may or may not have been counted by ESC as

1 involving sexist and misogynist conduct; we simply don't
2 know one way or the other?

3 A. I don't know. But I'm sure if they were here they
4 would tell you exactly how they did that.

5
6 Q. All right. We can make some enquiries a little bit
7 later on. Could we go now to another example that I'd like
8 to ask you some questions about. If you could go to your
9 document B32. Have you got that document there in front of
10 you, Commissioner?

11 A. Yes, thank you.

12
13 Q. All right. You can see from that particular summary
14 that a female officer contacted Juniper in 2019 alleging
15 inappropriate behaviours against a senior constable in her
16 station?

17 A. Yes.

18
19 Q. And that it was only upon Juniper commencing its
20 investigation that a further three female officers were
21 identified as having also been the subject of his
22 harassment?

23 A. Yes.

24
25 Q. So you'd accept at least in respect of this particular
26 example that it is a case where the sexist and misogynist
27 conduct of a police officer went unnoticed by the QPS as an
28 organisation until a wholly separate woman made a complaint
29 in respect of his conduct in relation to her?

30 A. Yes.

31
32 Q. All right. Now, 24 allegations were made in respect
33 of that particular senior constable; you can see that?

34 A. Yes.

35
36 Q. Essentially he, like the last case study that we went
37 to, was directing his conduct towards female junior police
38 officers?

39 A. Yes.

40
41 Q. In relation to one junior female police officer the
42 senior constable over a one and a-half year period sent her
43 numerous messages on various platforms trying to pursue an
44 intimate relationship with her, requesting sex from her and
45 declaring his love?

46 A. Yes.

47

- 1 Q. He sent unsolicited pictures of his penis?
2 A. Yes.
3
- 4 Q. He sent her a video of himself masturbating?
5 A. Yes.
6
- 7 Q. You can see there that he threatened her on a number
8 of occasions in the context of her rebuffing his sexual
9 advances?
10 A. Yes.
11
- 12 Q. His threats were very serious, I'd suggest. They
13 included threatening to break into her house and rape her?
14 A. Very serious, yes.
15
- 16 Q. Or sharing an intimate photo of her online with other
17 people if she tried to bring him down or if she brought up
18 his conduct; see that?
19 A. Yes.
20
- 21 Q. He threatened to sabotage any future relationships
22 that she might engage in?
23 A. Yes.
24
- 25 Q. Also very seriously, to the point of amounting to
26 criminal conduct, I'd suggest, on a number of occasions he
27 touched her inappropriately?
28 A. Yes.
29
- 30 Q. That included rubbing her on the outside of her vagina
31 over her clothes without her consent while they were in a
32 police car together alone?
33 A. Yes.
34
- 35 Q. There was another occasion when they were at the
36 station in fact and she was seated at her desk - I'm not
37 sure if this is in your case study or not, but you might
38 have seen it in the report - where he quite brazenly again
39 touches her and commits that offence against her of
40 touching her on her vagina over her clothes?
41 A. Yes, I don't disagree. I just lost it. Is it in here
42 or --
43
- 44 Q. It may not be in there. It would be in the report
45 behind it. But if you're not aware of that detail don't
46 worry about it.
47 A. Yes, I'll accept that, yes.

- 1
2 Q. All right. And he'd also grabbed her on her bottom?
3 A. Yes.
4
5 Q. Then in respect of a second junior female officer the
6 senior constable also sent her numerous messages over
7 social media of a sexual nature?
8 A. Yes.
9
10 Q. In the course of which he asked to perform oral sex on
11 her?
12 A. Yes.
13
14 Q. He made comments of her - comments to her of a sexual
15 nature in the workplace?
16 A. Yes.
17
18 Q. Sent her unsolicited photos of his penis?
19 A. Yes.
20
21 Q. And, as with the other woman, he also on a number of
22 occasions touched her inappropriately. In respect of this
23 officer, he touched her leg in the inside of her thigh
24 while they were alone together in a police car or at the
25 station?
26 A. Yes.
27
28 Q. Deeply disturbing conduct, I'd suggest, in respect of
29 both of those women?
30 A. Yes.
31
32 Q. Not just harassing or annoying conduct in a workplace,
33 but conduct amounting to criminal offences against both of
34 them?
35 A. That's correct.
36
37 Q. One of whom we know didn't make a complaint?
38 A. Yes, yes.
39
40 Q. We know only one woman made a complaint. So at least
41 one of the others didn't?
42 A. Yes.
43
44 Q. She just endured the conduct without bringing it to
45 the notice of the QPS?
46 A. Yes.
47

- 1 Q. All right. Then in respect of the third junior female
2 officer he sent a series of messages of a sexual nature to
3 her, including a photo of himself again holding his penis?
4 A. Yes.
5
- 6 Q. He was also found to have invaded the personal space
7 of a female recruit that he was with at the academy - so
8 quite some time earlier?
9 A. Yes.
10
- 11 Q. Attempting to touch her leg, hold her hand and hug
12 her?
13 A. Yes.
14
- 15 Q. In addition, he had sent photographs of himself in his
16 police shirt with his penis exposed to women that he had
17 met on dating sites?
18 A. Yes.
19
- 20 Q. Okay. Now, that particular investigation identified
21 that there had been a significant failure to report
22 misconduct within that district?
23 A. Yes.
24
- 25 Q. Quite alarmingly, that senior constable's behaviour
26 was well known by other officers and by management, and had
27 gone unreported?
28 A. Yes. So it's concerning, and that is unacceptable.
29
- 30 Q. All right. And when you said, at least as
31 I understood you to have said before lunch, that you hold a
32 level of confidence that these things are being detected by
33 one or other of your matrices, I suggest this is another
34 example where you ought to at least hold a deep level of
35 concern that your various mechanisms for picking up
36 unhappiness aren't always picking up sexual conduct?
37 A. Yes, and I acknowledge that it isn't always picking it
38 up, and this deeply disappoints me because - particularly
39 if the report has acknowledged that senior management of
40 the district did not do something about it, that's
41 extraordinarily unacceptable and disappointing.
42
- 43 Q. And a failure of leadership at that particular level
44 of your organisation, isn't it?
45 A. At that particular level in that district, definitely.
46
- 47 Q. All right. Now, the investigators determined that the

1 officers who were harassed by the senior constable who
2 didn't make a complaint reported that they didn't do that
3 because they didn't want to be perceived as a dog; can you
4 see that?

5 A. Yes.

6
7 Q. Echoing the submissions that the Commission of Inquiry
8 has received from a number of your members that by making a
9 complaint as a QPS member you're perceived to be a dog?

10 A. Yes.

11

12 Q. They were embarrassed to be associated with him, and,
13 again, echoing many of the submissions that the Commission
14 of Inquiry has received from your members, they believed
15 that no action would be taken by management?

16 A. Yes, which I think is extraordinarily disappointing.

17

18 Q. Yes. But reasonable in the circumstances where it was
19 found that management did have some knowledge of what was
20 going on and had not in fact taken action?

21 A. Yes.

22

23 Q. Now, that's not just disappointing, is it, but that's
24 quite terrifying for those women, and I would suggest for
25 the organisation more generally, that management might know
26 about conduct and not take swift and decisive action?

27 A. Management, if they know about this conduct, should
28 take swift action.

29

30 Q. Okay. It would be terrifying if you were a woman and
31 you were the subject of this sort of behaviour, bearing in
32 mind we're talking about serious criminal behaviour here,
33 if you believed that others knew about this conduct,
34 including management, and nothing was being done? That
35 would be terrifying, wouldn't it?

36 A. For those women in that position, definitely.

37

38 Q. All right. Now, officers also said that they feared
39 professional retribution if they complained; do you see
40 that?

41 A. Yes.

42

43 Q. And also feared that they'd be labelled as willing
44 partners to his conduct if they complained?

45 A. Yes.

46

47 Q. All right. Now, we can see that the investigation

1 ultimately substantiated all 24 of those allegations?

2 A. Yes.

3

4 Q. That officer, though, resigned prior to his
5 disciplinary hearing taking place and the matter was
6 finalised without an outcome, as I understand it?

7 A. I gather - sorry, I just don't know whether there was
8 a 7A or what happened after that. But obviously he
9 resigned before it was dealt with.

10

11 Q. All right. Could we go, please, to document B20.
12 You've got that document?

13 A. Yes.

14

15 Q. In respect of that matter you can see that a female
16 constable made a complaint about treatment directed to her
17 by a male senior constable in 2018?

18 A. Yes.

19

20 Q. Now, that male senior constable was the constable's
21 supervisor?

22 A. Yes.

23

24 Q. He had made unwanted advances towards her over a
25 four-month period?

26 A. Yes.

27

28 MR HUNTER: I'm just ensuring that the Commissioner has
29 the updated version of this case study, because there was
30 an earlier iteration.

31 A. Thank you. Yes. Thank you. Yes.

32

33 MS O'GORMAN: You're familiar enough with that document
34 for me to ask you some questions about it?

35 A. Yes, I am. Yes. Yes.

36

37 Q. Thank you. Now, in respect of his conduct, he had
38 used his position to regularly harass her by persistently
39 sending her suggestive text messages, telling her that he
40 loved her, referring to her as his girlfriend and calling
41 her pet names such as "baby" and "detective sexy"?

42 A. Yes.

43

44 Q. Troublingly, when they were conducting surveillance
45 together in a car, he reached over and squeezed her leg
46 just above the knee and slid his hand down her leg?

47 A. Yes.

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Q. Despite the constable repeatedly rejecting his advances, he continued to pursue her?

A. Yes.

Q. There was one occasion when she left a Christmas party to go home early to care for her baby. He then sent her a series of text messages, including, "What, no invite for drinks on the balcony? What's your address? Don't leave me hanging. I'm coming over." When she said not to, that she was going to sleep and she had to work the next day, he continued to text her, saying that he needed to have a D and M with her, that he would be downstairs in three minutes, and then he called her mobile on two separate occasions and sent a final message saying that he was downstairs?

A. Yes.

Q. His behaviour then got steadily worse the more she rejected his advances, and afterwards he harassed or got angry with her. If she didn't respond to his messages, he would talk down to her, belittle her about her rank, disagree with her or be rude to her at work?

A. Yes.

Q. Now, we can see that in respect of this case the constable first confronted the officer about his behaviour?

A. Yes.

Q. Now, she confided in her inspector about the ongoing conduct, and that inspector advised the superintendent of the conduct on the female police officer's part?

A. Yes.

Q. And she was told that the senior constable would be sent to work elsewhere for a period of time?

A. Yes.

Q. And so as a result she didn't make a formal complaint at that time?

A. Okay, yes.

Q. When she returned back to the station, however, on her first day after a period of leave she was in fact rostered to execute a search warrant with the senior constable who had been harassing her?

A. Yes.

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Q. Now, he was by that stage acting as a sergeant?

A. Yes.

Q. She told her inspector about the fact that she felt uncomfortable being rostered on to work with him, given the history of harassment by the senior constable to her?

A. Yes.

Q. The inspector said that he didn't have any power to remove the senior constable from the office and suggested maybe she could move desks?

A. Yes.

Q. The constable at that time then made a formal complaint; you can see that?

A. Yes.

Q. Now, prior to the complaint being investigated what occurred was that the superintendent gave local management guidance to the senior constable?

A. To - yes. Sorry, yes.

Q. And we can see there that that consisted of discussing the senior constable's conduct, he accepted professional - sorry, and acceptable - I think that should be acceptable professional behaviour whilst on and off duty over a 30-minute conversation?

A. Yes.

Q. Okay. And Ethical Standards Command correspondence in relation to that managerial guidance stated that the senior constable acknowledged that in hindsight the behaviour was inappropriate and he understands he made her feel very uncomfortable in the workplace and also in her own home?

A. Yes, I see that, yes.

Q. Now, on the basis of that correspondence, which appeared to confirm that he, the senior constable, had been remorseful and showed insight, the Assistant Commissioner then formed the view that the constable's complaint had been adequately addressed through the LMR process and that no further investigation or action was necessary?

A. Yes.

Q. Okay. We have obtained the complaint file in respect of that matter, which includes the conversation between the

1 senior constable and the Acting Superintendent which
2 purported to be the management resolution on that occasion?

3 A. Yes.

4
5 Q. Now, I don't know whether you've listened to that
6 recording, but it appears to the Commission of Inquiry that
7 in fact there is a complete minimisation by the senior
8 constable of his own behaviour, and set out there are some
9 of the statements that were made during it. Firstly, by
10 the superintendent to the senior constable, the
11 superintendent said, "Mate, I'm sorry to have to do this to
12 you. Just so you're aware, it's not a disciplinary matter
13 at this stage. It's just a management issue. I just want
14 to talk through what I think we should be doing and some
15 other stuff." Says, "I don't want you to think that I'm
16 blaming you in any sense." You can see those were some of
17 the statements made by the superintendent?

18 A. Yes. Yes, yes, I do. Yes.

19
20 Q. All right. Now, a little further down that page you
21 can see some of the things that the senior constable said
22 about his own behaviour. He minimised it. He denied a lot
23 of it, even in the face of text messages that were saved on
24 the constable's phone. He accepted some of the conduct
25 when confronted with specific messages, and he made
26 statements about his conduct like, "I can see where she has
27 misconstrued it. I can see how she has read it as being
28 inappropriate, but that wasn't the intention," and, "It was
29 a joke." You can see those things?

30 A. Yes.

31
32 Q. All right. Now, the complaint was finalised two weeks
33 after that conversation took place. The senior constable
34 was advised in writing by the Assistant Commissioner that,
35 "I am satisfied that this complaint has been adequately
36 addressed through managerial process. No further action
37 will be taken in relation to this complaint and no adverse
38 reference will be placed on your personal file"; can you
39 see that?

40 A. Yes.

41
42 Q. This example is concerning, isn't it, in that it
43 demonstrates a couple of things: one, LMR has been
44 inappropriately used in respect of conduct which was
45 persistent and quite serious?

46 A. Yes.

47

1 Q. And, secondly, it was used and signed off on as having
2 been appropriate in circumstances where the senior
3 constable had demonstrated sufficient insight and remorse
4 when in fact that was not the truth?

5 A. LMR should never have been used. It's clear just from
6 what I'm reading that it's predatory in some ways, highly
7 inappropriate. It should have been looked at more
8 seriously than that, and it should not have been written
9 off in that way.

10
11 Q. All right. As we understand it, the normal process
12 for the giving of LMR is that the conversation between the
13 subject member and the supervisor who's providing the LMR
14 is not ordinarily recorded; that's correct, isn't it?

15 A. That's correct, because - in my point before, LMR is,
16 you know, corrective behaviour, should be addressed at
17 general mistakes, lower level matters, and it's normally a
18 conversation, yes.

19
20 Q. So in a sense, given that it's not ordinarily
21 recorded, we're quite lucky that on this occasion it was
22 recorded and we're able to go behind the veil of what was
23 said about this man's remorse and insight. But that will
24 not normally be able to occur, will it; that is, one will
25 not ordinarily be able to go behind the conclusion that the
26 man was remorseful and insightful, and see whether or not
27 in fact he was?

28 A. No, and, like I said from the very outset, this should
29 not have been an LMR.

30
31 Q. No. Now, one of the negative consequences of this
32 particular matter was that two years later that constable
33 resigned from the Queensland Police Service; you can see
34 that?

35 A. Yes.

36
37 Q. So not only was it inadequately dealt with at the time
38 by the QPS, but then that woman went on to pay a further
39 price by having to leave the organisation altogether?

40 A. Yes, she did.

41
42 Q. And not just because of that conduct. We'll go now to
43 what happened to her after she had made that complaint.
44 You can see from her separation notice she said that the
45 main reason for her separation was the harassment that she
46 had received from the senior constable, the bullying that
47 she then received by another officer after she had made her

1 complaint and the treatment she received as a result of
2 making the complaint. Perhaps if we could pull up the
3 paragraphs at the bottom of that page, please, Mr Operator,
4 to see how she explained it. She said:

5
6 *I made a justified complaint about sexual*
7 *harassment in the workplace, complaint*
8 *I had evidence of in the form of months*
9 *worth of text messages. I had the right to*
10 *come to work and not be sexually harassed.*

11
12 A. Yes, I agree. Yes.

13
14 Q. I assume you agree about that?

15 A. Yes.

16
17 Q. Yes, of course.

18
19 *After repeated attempts to shut the*
20 *advances down I asked for help. I was then*
21 *victimised and bullied by another male*
22 *colleague, when all I had wanted was to*
23 *come to work and be treated professionally.*
24 *After being sexually harassed I was then*
25 *ignored, intimidated, ostracised, spoken*
26 *badly about, and punished for speaking up.*

27
28 She says her:

29
30 *... workplace was never the same. I had*
31 *various male colleagues treat me*
32 *differently after I raised these issues.*
33 *I had male colleagues ignore me and*
34 *deliberately not include me in discussions*
35 *or in social events like morning coffee.*
36 *The level of distrust was soul destroying*
37 *and it destroyed my career. I could not*
38 *rectify it. I often wonder how these*
39 *colleagues would react if their wives or*
40 *daughters were unfairly victimised like*
41 *this in a workplace on top of being*
42 *sexually harassed.*

43
44 Can you see that?

45 A. Yes.

46
47 Q. It's another example we're hearing about women not

1 only being the subject of terrible conduct within their
2 workplace but then also paying the price for having been a
3 victim in the first place; correct?

4 A. Yes. She is the victim. She should have been treated
5 a lot better than this.

6
7 Q. And it's a failure --

8 A. And she paid the price.

9
10 Q. It's a failure by the organisation not only to deal
11 with the complaint appropriately but also a failure by the
12 organisation to ensure that she was properly supported
13 after she brought the matter to the organisation's
14 attention?

15 A. Yes, and in this instance I would agree with you, yes.

16
17 Q. All right. Now, as a side note before we move on from
18 that particular matter, some further cross-referencing of
19 this matter with another demonstrated that that
20 superintendent who gave the LMR signed off on the senior
21 constable as having been appropriately remorseful and
22 insightful was himself the subject of a complaint and in
23 fact it was six months after he gave the LMR to the senior
24 constable that he then made a derogatory comment about a
25 female senior constable during a panel interview in which
26 he was the panel convenor. You might remember that we
27 talked about another case earlier?

28 A. Yes, yes.

29
30 Q. The man who sexually assaulted the police officer
31 before she went into her job interview?

32 A. Yes.

33
34 Q. Then had the piece of paper with "loose" passed to
35 her?

36 A. Yes.

37
38 Q. This was this particular fellow.

39 A. Yes.

40
41 Q. So with the history of having given local management
42 resolution to a senior constable and saying, "All is well,
43 the senior constable's insightful and remorseful," this
44 particular fellow then six months later is involved in an
45 incident where a woman is sexually offended against and
46 then asks that man is she loose?

47 A. Yes, completely inappropriate and, worse still, that

1 that's a senior officer.

2

3 Q. Yes, and it must be concerning, mustn't it, that these
4 sorts of things are going on, people are giving LMR to
5 other subordinate officers and then themselves engaging in
6 conduct which is very similar, if not worse, than the
7 conduct that they're signing off on as having been dealt
8 with appropriately by LMR?

9 A. Yes, definitely.

10

11 Q. All right. Now, I think that superintendent himself
12 was then dealt with by LMR. If you just have a look at
13 that paragraph under the heading "Related complaints"
14 you'll be able to confirm that for yourself?

15 A. Yes, and this goes to my point that I think LMR is
16 completely inappropriately used in these matters.

17

18 Q. All right. Can we go, please, to document B22.
19 I just want to have a look at this as an example of another
20 way in which the system appears to be stacked against
21 female victims of sexual harassment in the QPS. Have a
22 look at that document. You can see that there was a male
23 police officer attached to Ethical Standards Command who
24 engaged in inappropriate conduct with, as it turns out,
25 three women; see that?

26 A. Yes, yes. Sorry, yes.

27

28 Q. All right. Now, this particular summary relates to
29 conduct by him against one of those officers, a sergeant.
30 It occurred over a four-month period while the male officer
31 was the direct supervisor of the sergeant, who reported to
32 him; you see that?

33 A. Yes.

34

35 Q. And he had also been her field training officer when
36 she was starting out in the QPS?

37 A. That's correct.

38

39 Q. All right. Now, he - at the time he was an acting
40 senior sergeant - took her to a beach - this is while they
41 were on shift - and also to his house on two separate
42 occasions. At both locations he asked her to take
43 photographs of himself without his clothes on. When at the
44 house, he undressed in front of her, swam naked in his pool
45 and requested that she take photos of his penis, both soft
46 and erect; you see that?

47 A. Yes.

- 1
2 Q. Okay. On one occasion whilst at work he approached
3 that female sergeant with his penis protruding out from his
4 jeans; you see that?
5 A. Yes.
6
7 Q. He asked if he should attend at a meeting with the
8 inspector in that way and then feigned getting his penis
9 stuck in the drawer of a filing cabinet?
10 A. Yes.
11
12 Q. And then placed it on her desk in front of her; you
13 see that?
14 A. Yes.
15
16 Q. His penis on her desk?
17 A. Yes.
18
19 Q. All right. On another occasion he took her to a
20 nudist beach. She wasn't aware it was a nudist beach until
21 they arrived. He then takes off his clothes, he swam naked
22 in front of her, walked along beside her without his
23 clothes on, asked her to take photos of himself, which
24 again included photos of his penis and photos in which he
25 was holding his penis in his hand; do you see that?
26 A. Yes.
27
28 Q. All right. Now, that male officer when he was spoken
29 to about his conduct suggested that the female officer was
30 into it and enjoying it. She, however, when she was spoken
31 to by the investigators, declared that that was not the
32 case and in fact she felt disgusted, to use her word, about
33 his conduct, particularly his conduct of having his penis
34 on her desk; you see that?
35 A. Yes, yes.
36
37 Q. All right. Now, that matter proceeded to a
38 disciplinary hearing. That wasn't one which was LMR. The
39 allegations were substantiated. The sergeant was reduced
40 in rank to senior constable for 12 months?
41 A. Yes.
42
43 Q. Now, because that female police officer was not the
44 one who raised the complaint about the subject - the
45 conduct that she had been subjected to, she was also
46 disciplined by the QPS. The investigators found that her
47 failure to report what had been done to her by that

1 supervising male officer amounted to misconduct and she was
2 reprimanded; you see that?

3 A. Yes.

4
5 Q. So she now has a disciplinary history on her record
6 because this man gets his penis out in front of her at work
7 and subjects her to other sexual conduct which she doesn't
8 complain about, and I think we've agreed now that there's
9 many good reasons why women might not, as a result of which
10 she is ultimately disciplined?

11 A. Yes.

12
13 Q. It seems the case, doesn't it, that as a woman if
14 you're the subject of this sort of conduct within the QPS
15 you can be damned if you do and damned if you don't in
16 respect of raising a complaint; correct?

17 A. Yes. The issue is we have obligations to report. But
18 in this circumstance you can understand why she may not
19 have, and then she's been reprimanded. I think that's
20 wrong.

21
22 Q. All right. We might then go to another case, but it
23 would be appropriate in light of the matters which are
24 going to be discussed, which for legal reasons can't be
25 aired publicly, that the proceedings now be closed probably
26 for five minutes or so.

27
28 COMMISSIONER: All right. So I'll order that the
29 proceedings be closed. That means everyone is going to
30 have to leave. Someone will come out and tell you when
31 it's open again.

32
33 **(IN CAMERA HEARING FOLLOWS)**

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1 (PUBLIC HEARING)

2
3 MS O'GORMAN: Could I ask, please, Commissioner, for you
4 to turn to document B1. Some of the cases that we've been
5 discussing today have involved, whilst they're matters that
6 have been finalised in relatively recent times, conduct
7 going back quite some time, this document contains a number
8 of examples taken from that data that the QPS has provided
9 us with respect to sexist and misogynist allegations or
10 complaints that have been made in the last two years?

11 A. Yes.

12
13 Q. I'd like to go to some of these now, if we could.
14 Firstly, in respect of the first one we can see that a
15 complaint was raised in June of last year that the officer
16 who, as you can see in this case, was a sergeant had made
17 inappropriate sexual and sexist comments in the workplace?

18 A. Yes.

19
20 Q. He was the manager of a local unit for two years from
21 2019 to 2021?

22 A. That's correct.

23
24 Q. There was an investigation that was conducted because
25 of a level of unhappiness expressed by the staff, and then
26 the conduct which was reported on was conduct that he had
27 encouraged a boys club culture where female staff were
28 pushed hard, picked on and blamed for mistakes, while men
29 were protected by the police officer; you can see that?

30 A. Yes.

31
32 Q. Now, it also included reports that he had made a
33 number of inappropriate comments to employees about female
34 members. In respect of one, he said that they needed a hot
35 little piece like that particular female employee to
36 attract males. To another he said that the counter reading
37 at the front of the unit would be wrong because he had
38 undercharged a female as a result of her standing there
39 with her big tits.

40 A. Yes.

41
42 Q. And one employee described that that man's continued
43 sexualised and derogatory comments about a female police
44 officer made her feel sick.

45 A. Yes.

46
47 Q. All right. Now, if we move across the screen we can

1 see that that matter was investigated. It was found that
2 there was sufficient evidence to proceed against him, and
3 for that conduct occurring over that two-year period from
4 2019 to 2021 that sergeant was given local management
5 resolution.

6 A. Sorry, where did it say that it was investigated?
7

8 Q. See, "Allegation outcome. It was determined that
9 there was sufficient evidence to proceed"?

10 A. I'm hoping it was investigated. LMR's completely
11 insufficient.
12

13 Q. Okay.

14 A. Yes.
15

16 Q. Sorry, what I mean was whoever assessed that file
17 determined that the complaints had enough basis to them for
18 it to be sufficient to proceed against the sergeant, but
19 the outcome for him was that he was give LMR.

20 A. Yes, whereas I would expect that that should be
21 investigated and it not be an LMR.
22

23 Q. Yes, and go through the disciplinary process,
24 potentially with more serious sanctions applied.

25 A. Yes.
26

27 Q. All right. If we have a look at the second case.
28 This also involves a sergeant but in a different region.
29 You will be able to see, Commissioner, if you have a look
30 at your hard copy - although those who are looking on the
31 screen won't appreciate this - that all of the regions that
32 these people come from vary. They're not all happening in
33 the same region. You can see that on your copy. They're
34 happening all over the place?

35 A. Yes.
36

37 Q. Okay. In this particular case, this sergeant, the
38 allegation was made that he had made continual sexual
39 comments relating to female police officers as well as
40 members of the public, asking things like, "Would you like
41 to lick their moot"; do you see that?

42 A. Yes, yes.
43

44 Q. He was an officer in charge of a station; do you see?

45 A. Yes.
46

47 Q. Now, that conduct occurred over seven months between

1 November 2020 and May 2021?

2 A. That's correct.

3

4 Q. All right. He bullied and created a toxic environment
5 for his employees, and as we can see from that paragraph
6 that included hounding other police officers, male police
7 officers, about whether or not they would lick the moot of
8 other members of the public?

9 A. Yes.

10

11 Q. All right. Now, again it was determined that there
12 was sufficient evidence to proceed in respect of that man
13 who had engaged in that conduct over a period of seven
14 months whilst performing a role at the level of sergeant,
15 and he was given LMR?

16 A. Completely inappropriate.

17

18 Q. All right. If we have a look at the next one down we
19 can see a senior constable, again from a different region.
20 Complaint was made about him in October of last year that
21 he had committed acts of sexual harassment. You can see
22 that?

23 A. Yes.

24

25 Q. He had sexually harassed three female officers to
26 different degrees, two of whom were only constables?

27 A. Yes.

28

29 Q. It occurred over a six-month period from March to
30 October of last year; you can see that?

31 A. Yes.

32

33 Q. Now, in relation to all three of the officers he made
34 sexualised comments and engaged in sexualised behaviours
35 with them while they were rostered on with him either
36 during the same shift or in the same workplace?

37 A. Yes.

38

39 Q. See he asked them personal questions including if they
40 enjoyed anal sex and attempted to discuss sex with them?

41 A. That's correct.

42

43 Q. Commenting on the appearance of at least one of the
44 police officers, telling her that he wanted to watch her
45 bend over?

46 A. Yes.

47

1 Q. Telling another woman that she had an arse that looked
2 like a pancake and she should let him help her by taking
3 her to the gym to make it bigger?

4 A. Yes.

5
6 Q. He advised one officer that going through her social
7 media profile gave him pleasure?

8 A. Yes.

9
10 Q. He invaded the personal space of all three officers,
11 and in relation to one of them he took photos of her
12 sitting at her desk, and then told her that he had uploaded
13 that to Snapchat for some other of his friends to see; do
14 you see that?

15 A. Yes.

16
17 Q. His behaviour made all three of those women feel
18 uncomfortable and it was unwanted by them, not
19 surprisingly; do you see that?

20 A. Yes.

21
22 Q. One officer described feeling physically sick coming
23 to work if that man was at the station and constantly
24 feeling like she was going to throw up and cry; do you see?

25 A. Yes.

26
27 Q. All right. Having made those complaints, the person
28 who assessed that matter determined that there was
29 sufficient evidence to proceed, and if we move across the
30 screen a little bit we can see that that senior constable
31 was given LMR?

32 A. That's correct.

33
34 Q. Another completely inadequate response to serious
35 sexual harassment by a senior constable of the
36 organisation?

37 A. Agree that that is - agree, and that should not be an
38 LMR.

39
40 Q. All right. Let's go to the next one. This conduct
41 was engaged in by a senior constable of your organisation
42 from a separate region than the one that we were previously
43 talking about. This complaint was made in April of last
44 year and the complaint was that he had sexually harassed
45 another officer whilst he was working with her and also by
46 way of text messages and social media?

47 A. Yes.

1
2 Q. In February of last year he harassed a first-year
3 constable who had just started her rotation at his station.
4 He asked her for her phone number on her first shift, added
5 her on social media, sent her daily messages on various
6 platforms, called her pet names such as "love" and
7 "darling", and ultimately his conduct culminated in him
8 inviting her to massage him, at which stage she was able to
9 cease contact with him. She said that she felt physically
10 sick after the comment and uncomfortable being in the same
11 workplace as him. You can see that?

12 A. Yes.

13

14 Q. Again this senior constable was given LMR?

15 A. Yes.

16

17 Q. Again a completely inadequate response to serious
18 conduct being perpetrated on a very junior member of your
19 organisation?

20 A. Definitely.

21

22 Q. Who, it wouldn't be hard to imagine, would have felt
23 completely intimidated by the conduct perpetrated by that
24 senior constable, given she was so new to that station?

25 A. Yes.

26

27 Q. One can only imagine that the consequences for her
28 have been serious, not only given the conduct that was - or
29 that she was made subject to but also the fact that that
30 senior constable has only been given LMR and that there's
31 no further consequences?

32 A. It's unacceptable that he's only given LMR.

33

34 Q. And one can imagine that that particular constable
35 feels as though the organisation has failed to support her,
36 given that she's just started out in the organisation and
37 been treated so poorly?

38 A. And I touched on this about LMRs before, and you could
39 even go through all nine. LMRs should not have been
40 applied in these circumstances at all. The LMR system as
41 it currently stands is looked at at Ethical Standards when
42 complaints come in. It goes out into the districts, and
43 since the legislation has come in three years ago very
44 little training because of many reasons --

45

46 COMMISSIONER: So LMR was 2019; is that right?

47 A. Yes, yes. So what we find is - and just recently

1 because they have to pull the data manually - is
2 extraordinary inconsistency how it's applied but
3 inappropriately applied, and that's what's occurring here.
4

5 MS O'GORMAN: And the problem is - and not for one moment
6 do I want to downplay the effect that any of this conduct
7 would have on any one of these individual complainants, but
8 one problem with this inappropriate use of LMR that we're
9 seeing occur over and over again is that it's failing to
10 send the appropriate message to other members of the
11 organisation that this conduct will not be tolerated?

12 A. That is exactly the effect it is having when it's not
13 done well. But it's not just that. It's also that the
14 offender has not been dealt with appropriately. But in LMR
15 it's currently difficult for me to find how the victim was
16 supported as well.
17

18 Q. Yes.

19 A. That is a major issue.
20

21 Q. Okay. And, I mean, as we've already discussed, you're
22 aware now of at least some cases where the victims were
23 wholly unsupported when LMR was used?

24 A. Yes.
25

26 Q. If we go to the next case then, please. This matter
27 involved a senior constable from a particular command. The
28 complaint was made in respect of him in only February of
29 this year. He had made discriminatory comments overheard
30 by staff members and subjected staff members to workplace
31 sexual harassment; can you see that?

32 A. Yes, I can.
33

34 Q. On one occasion in February of this year he was
35 completing an online learning product, he made
36 discriminatory comments which were overheard by other staff
37 such as, "It's easy to see this was written by a fat
38 lesbian with hairy armpits."
39

40 A. Yes.
41

42 Q. That was in relation to him completing a domestic and
43 family violence product?

44 A. Yes.
45

46 Q. That should be concerning to you, I take it?

47 A. Yes.

1 Q. On two occasions in February this year he commented on
2 what other female officers were wearing, telling one who
3 was wearing a white shirt on a rainy day that, "You're
4 wearing the wrong shirt for this sort of weather," and on
5 another occasion leering at a woman who was walking past or
6 away from him down the hall?

7 A. Yes.

8

9 Q. In respect of his conduct he was also given LMR?

10 A. Yes.

11

12 Q. The next case involves a sergeant and a complaint made
13 against him. He was from a different command. The
14 complaint was made in September of last year. The
15 allegation was that he had made inappropriate comments of a
16 sexualised nature to other employees which made her feel
17 uncomfortable?

18 A. Yes.

19

20 Q. He had commented on a particular woman's appearance
21 last year, telling her, "I'm not trying to be a creep or
22 anything, but I really like what you're going on around
23 here - what you've got going on." He got LMR as well?

24 A. Yes.

25

26 Q. You can have a look at the last case there. It
27 involves a sergeant. He's also from a separate region from
28 the regions that we've discussed above, and the complaint
29 against him was made in 2021, May of last year; you can see
30 that?

31 A. Yes, yes.

32

33 Q. The allegation against him was that he had subjected
34 another officer to unwanted sexual harassment which
35 included invading her personal space and touching her and
36 making comments?

37 A. Yes.

38

39 Q. Making unwanted sexual advances towards another
40 officer both on and off duty that involved invading her
41 personal space, texting her and other comments to her?

42 A. Yes.

43

44 Q. He was a shift supervisor of a station in that region.
45 He sexually harassed three female constables who were under
46 his supervision. One of the incidents involved in 2020 him
47 directing unwanted attention again to a female first-year

1 constable under his supervision that made her feel stressed
2 and uncomfortable?

3 A. Yes.

4

5 Q. It included him sitting on her desk, sitting overly
6 close to her, and finding reasons for them to be alone
7 together at the station, including by changing their
8 rosters?

9 A. Yes.

10

11 Q. He discussed her social media profile with other
12 officers and on one occasion in July of 2020 sent a text
13 message to another officer at the station saying, "Is it
14 obvious I think she's breathtaking." She continually told
15 him she wasn't interested and, despite being spoken to
16 about his behaviour, it continued until that female officer
17 left the station.

18 A. That's correct.

19

20 Q. Again, an example of the female victim paying the
21 price for being the subject of sexual harassment by a more
22 senior officer?

23 A. And inappropriate use of LMR.

24

25 Q. All right. Now, we hadn't finished with his conduct.
26 In a date in May of last year he harassed another female
27 constable throughout a shift who had just come back from
28 maternity leave; you see that at the paragraph at the
29 bottom of that page?

30 A. Yes, I do.

31

32 Q. He put his hand on top of hers to move a computer
33 mouse; stood in front of her stretching out his groin and
34 groaning; telling her she had nice pins; singing songs to
35 her about her blowing his mind; do you see that?

36 A. Yes, I do.

37

38 Q. So that conduct which was engaged in over a number of
39 months between 2020 and 2021 and a number of officers it
40 was determined that there was sufficient evidence to
41 proceed in respect of those complaints. He was given LMR?

42 A. Yes, which is inappropriate. Inappropriate.

43

44 Q. If we could go to the next case then. This case
45 involves a T03 from a particular command. Complaint was
46 made about him in October of last year that he had made
47 sexually discriminatory comments to another officer. It

1 was said that it wasn't an isolated incident; it was a
2 course of ongoing behaviour. You can see that?

3 A. Yes.

4

5 Q. Now, this particular officer had a history of making
6 inappropriate and racially discriminatory comments, and he
7 was on a performance improvement plan as a result of those
8 past behaviours at the time that he engaged in this
9 sexually discriminatory conduct; do you see that?

10 A. Yes.

11

12 Q. His sexist comments continued while he was on the
13 plan, the most recent of which was in September of last
14 year. He asked his female supervisor, who was using a
15 vacuum, if she was going for a ride; previously mocked
16 other female officers by referring to them as sir?

17 A. Yes.

18

19 Q. Okay. Now, in respect of that matter he was given
20 LMR, which I take it you will readily accept was highly
21 inappropriate given his past behaviour and the fact that he
22 was on an improvement plan at the time of engaging in this
23 conduct?

24 A. Yes. He should have been investigated.

25

26 COMMISSIONER: I'm sorry, a T0?

27 A. Technical officer.

28

29 COMMISSIONER: Technical officer?

30 A. Yes.

31

32 MS O'GORMAN: If we have a look at the next case. This
33 one involves a senior constable from a particular unit,
34 different region than the one previously. It relates to a
35 complaint that was made about him in November of last year,
36 that he was the administrator of a closed Facebook group
37 that was accessible by other officers within the station,
38 where he posted inappropriate material?

39 A. Yes.

40

41 Q. It was said as part of the concern about that that it
42 could cause or has tarnished the reputation of the QPS if
43 it were to be published to the media or general public?

44 A. Yes.

45

46 Q. All right. Now, he was a senior constable, as we've
47 already established. He was at a regional police station.

1 And at the time that he was posting those comments they
2 included a photograph of a nurse holding a baby while the
3 woman, the mother presumably, could be seen naked on the
4 bed, her legs were apart?

5 A. Yes.

6
7 Q. In another post another fellow police officer was
8 saying that he was in hospital, that is the other police
9 officer was in hospital, and this particular post by this
10 senior constable was, "Any pics of your wife just so we
11 know who to look for after the wake"?

12 A. Yes.

13
14 Q. There was another post that he made about an injured
15 officer's hand, and he commented, "One of those glass butt
16 plugs broke in his hand. Terrible accident. Could happen
17 to anyone really"?

18 A. Yes.

19
20 Q. In respect of another post from another officer about
21 a splinter being removed he commented that it was from the
22 name of a female person's bedhead?

23 A. Yes.

24
25 Q. All right. Now, again, in respect of that conduct
26 occurring in the context of a closed Facebook group of a
27 number of police officers at that station he was - well, in
28 this case there was no further action taken against him.

29 A. Yes. Inappropriate.

30
31 Q. All right. Just in respect of this conduct alone,
32 that is the cases that we've just been discussing in
33 relation to the document presently on the visualiser, you
34 accept, I take it, that none of that conduct would come
35 anywhere close to meeting community expectations about the
36 conduct of police officers at work; correct?

37 A. Yes.

38
39 Q. Do you accept that your female officers are being
40 repeatedly let down when LMRs are applied in respect of
41 these sorts of cases?

42 A. Female officers. The organisation. It should not be
43 inappropriately used like that.

44
45 Q. All right. Now, when this conduct is not called out
46 the organisation not only fails the individual women who
47 are the complainants in these cases but all women in the

1 organisation who experience sexism and misogyny; is that
2 right?

3 A. Yes, because it should be called out and better dealt
4 with in those instances; definitely.

5
6 Q. And when it's not, and we've seen that it's not in
7 many cases, there's a failure by the organisation, isn't
8 there, to stem misogyny and sexism within the organisation?

9 A. When it's not dealt with appropriately it almost gives
10 people like this permission to act the way they do.

11
12 Q. All right.

13 A. That is the whole issue if you don't deal with it
14 appropriately, and in these instances it should not have
15 been an LMR.

16
17 Q. Well, that's not the only issue, is it, because it
18 also sends a message to those women who are feeling scared
19 about speaking out and speaking up about sexism and
20 misogyny that's being perpetrated upon them that there's
21 really no point because the outcome is going to be LMR; no
22 consequence?

23 A. I agree with you. It should never have been an LMR.

24
25 MS O'GORMAN: Okay. Your Honour, I'm wondering whether it
26 might be a convenient time to take a relatively short
27 break, perhaps just for five or 10 minutes.

28
29 COMMISSIONER: Yes.

30
31 **SHORT ADJOURNMENT**

32
33 MS O'GORMAN: Commissioner, in your statement to
34 the Commission of Inquiry in relation to the issue of
35 misogyny, sexism and racism you said:

36
37 *I accept there are some people in the*
38 *organisation who do not act in the manner*
39 *expected and where we identify this we do*
40 *take action.*

41
42 A. Yes.

43
44 Q. In light of all of the matters that we've been through
45 today do you accept that that statement might not be
46 completely accurate because it would seem that when people
47 in your organisation who do not act in the manner expected

1 and where it's identified action is not always taken?

2 A. What's occurred is it certainly is not taken to the
3 level I expect, particularly when you're applying things
4 like to LMRs - LMRs to things that I think are more
5 serious.

6

7 Q. So when you say, "When people do the wrong thing and
8 it's brought to our attention we take action," you're
9 including in the taking of an action an LMR which might be
10 a private chat with someone and no further consequences?

11 A. What I'm saying is it's only been brought to my
12 attention properly in the last week through going through
13 this and understanding how Ethical Standards assesses and
14 sends LMRs to the regions and the districts to deal with
15 these; that when I look at these they should not be LMRs.

16

17 Q. All right. Should members of your organisation be
18 concerned that you're only coming to understand that that's
19 happening now?

20 A. So when it's treated as an LMR it goes over - down
21 into the district, down into the regions, and it's handled
22 at the local level. And I spoke to the
23 Assistant Commissioner of Ethical Standards Command about
24 this, that it's actually very difficult at the moment to
25 pull the data; you've got to go to each incident. But this
26 will become a lot easier when PIPS, which is our
27 Professional Integrity Performance System, can glean this
28 matter better, and that's been a problem. We've been
29 working on that system for two, three years. And also I do
30 believe at the moment that there isn't enough oversight in
31 that area to see what's happening in the districts and the
32 regions.

33

34 Q. But my question is whether or not it's concerning that
35 you as the leader of this organisation haven't been aware
36 that this sort of action has been taken in respect of this
37 very serious conduct that we've been reviewing today?

38 A. In terms of LMR - how LMR are being used, yes, it's
39 concerning for me that I haven't been able to see that over
40 the entire districts and regions.

41

42 COMMISSIONER: Can I just drill down into that a bit. You
43 said Ethical Standards don't have an overview; is that what
44 you're saying?

45 A. So they definitely have PPMs in each areas. So when
46 LMRs - this is from my understanding.

47

1 COMMISSIONER: PPMs are?
2 A. Sorry, professional practice managers, who when it's
3 assessed at the Ethical Standards level these things go
4 into the various districts and regions, and then they get
5 given to officers to deal with. So those various PPMs do.
6 And then when it's dealt with as an LMR I think it's fed
7 back into Ethical Standards, but I don't know how much
8 ability they've got to see what's happening across the
9 entire organisation is the issue. And from what
10 I understand - and this is only from discussing it recently
11 with Ethical Standards - to have an insight into some of
12 these matters is having to go and look at the matter rather
13 than being able to draw all matters to see - give an
14 oversight of how it's all travelling across the state.
15

16 COMMISSIONER: So are you saying that Ethical Standards
17 look at the conduct and they say, "That can be LMR"; is
18 that what happens?

19 A. I would have to talk to the Assistant Commissioner.
20 So I'm not sure if that's made at that level or whether
21 it's made when it goes into the district or the region.
22

23 COMMISSIONER: So could it go to the district or the
24 region before there's a decision about whether there's
25 sufficient evidence to proceed?

26 A. Sorry, Your Honour, just repeat that?
27

28 COMMISSIONER: I'm just trying to work out when this
29 decision to LMR is made, who makes it?

30 A. So I believe - look, I might get this wrong because
31 I'm not an expert on how this is done at Ethical Standards.
32 So I'm not quite sure if it's Ethical Standards or if it
33 gets sent to the region or district to do. I can clarify
34 that and get back to you.
35

36 COMMISSIONER: Okay. You might find that out overnight.

37 A. Yes, thanks.
38

39 COMMISSIONER: In any event, are you saying that there is
40 no data collected as to how many bullying complaints were
41 resolved by LMR, for example, and is that not reported to
42 you yearly?

43 A. So we get high-level reporting.
44

45 COMMISSIONER: What does that mean?

46 A. We get quarterly reports, but I wouldn't get the
47 insight as to how - what each LMR - what it was dealt with

1 in each district and region.
2
3 COMMISSIONER: So what do quarterly reports tell you?
4 A. Trending data. Whether it's going up or down. How
5 many complaints have come in. Yes, very high level.
6
7 COMMISSIONER: How they're resolved?
8 A. Sorry? Whether they're resolved?
9
10 COMMISSIONER: How they're resolved?
11 A. How they're resolved? I'm just trying to think.
12 There will be data about whether they're misconduct, breach
13 of discipline, and I know recent we've slightly changed
14 what's coming in, particularly through PIPS, and there's
15 more data coming in. It comes in a quarterly basis. We
16 look at the ELT. I'll just have to go back and see exactly
17 what's in it.
18
19 COMMISSIONER: Because you seem surprised that there's all
20 these LMRs being handed out?
21 A. Yes, definitely.
22
23 COMMISSIONER: So no-one's telling you this; is that what
24 you're saying?
25 A. So I came across this because I've been going through
26 it.
27
28 COMMISSIONER: Because we sent you material?
29 A. Yes.
30
31 COMMISSIONER: But not from any other source?
32 A. No.
33
34 COMMISSIONER: Okay. So no-one's telling you the amount
35 of LMRs generally, except for this Commission of Inquiry?
36 A. So when I spoke to the Assistant Commissioner at
37 Ethical Standards Command they would know how many LMRs,
38 from what my conversation is with her, but I could not get
39 a sense whether each district, region, LMR, how it was
40 dealt with, what it was for, because I do not believe there
41 is enough auditing or oversight capacity to drill down into
42 that level.
43
44 COMMISSIONER: So that's all I'm trying to find out.
45 A. Yes.
46
47 COMMISSIONER: What you get told, and you're not told how

1 many LMRs are handed out in that quarterly report; is that
2 right?

3 A. I might get told how many LMRs, but I won't get told
4 what. I'm just trying to remember because I get so much
5 data in front of me. So I have to go back and have a look.
6 But the insight that I have got to in here I definitely do
7 not get at this level.

8
9 COMMISSIONER: No, because you haven't asked those
10 questions?

11 A. Because I didn't know until I was recently told in
12 briefings how LMRs are being used.

13
14 COMMISSIONER: Yes, but you don't know whether you know
15 how many LMRs are getting dealt with on a quarterly basis,
16 or you don't know whether you don't know?

17 A. There's just sometimes so much detail in those things,
18 but I don't know what I don't know. What I was surprised
19 at, and I even said this to the Assistant Commissioner,
20 sorry --

21
22 MR HUNTER: I'm sorry to interrupt. We're in a position
23 to provide a quarterly report. In fact it's one for the
24 period ending 30 June 2022. I only have it in digital
25 format at the moment. But perhaps the Commissioner could
26 refresh her memory from that.

27 A. Yes, please.

28
29 COMMISSIONER: That's fine.

30 A. Thank you.

31
32 MR HUNTER: And we can provide a copy, obviously.

33
34 COMMISSIONER: That would be good.

35
36 WITNESS: Yes, Your Honour, I'm correct. The LMR data, it
37 is high-level data. It speaks of the amount of complaints,
38 the amount of allegations, the allegation types. It speaks
39 of, you know, what's been finalised. But certainly in
40 relation to LMR there was no detail.

41
42 COMMISSIONER: That doesn't give you any detail about what
43 sanctions, if any, or the results of the investigations?

44 A. That's correct.

45
46 COMMISSIONER: Or the results of the complaints; just the
47 numbers?

1 A. It's numbers.
2
3 COMMISSIONER: And the allegations; is that right;
4 numbers of allegations and --
5 A. Complaints and allegation statistics over the quarter.
6
7 COMMISSIONER: Yes.
8 A. Subject member data in terms of gender, then
9 what - the number of each districts - sorry, in each
10 district, yes. Case management or current open files. And
11 police related incidents, suspensions and stand-downs,
12 again numbers, high-level numbers, and organisational
13 issue, DV member involved and failure of duty in terms of
14 domestic violence, and a data analysis just of misuse of
15 information, allegations involving watchhouse conduct
16 statistics and drug offences allegations. So it's correct;
17 I don't see the LMR data.
18
19 COMMISSIONER: All right.
20 A. Thank you. And I do believe, and this is - and really
21 I think the Assistant Commissioner from Ethical Standards
22 probably needs to address this, but from the concept of LMR
23 it was supposed to be minor, you know, something that you
24 could deal with very quickly at the local level. However,
25 when I've seen with how - what it's dealing with, my view
26 is these matters should not be LMRed.
27
28 COMMISSIONER: Yes. But if no-one is doing an overview
29 how would anyone know whether it's being used properly or
30 not?
31 A. That's correct.
32
33 COMMISSIONER: Because actually nobody's got their eyes on
34 what punishment is being handed out?
35 A. That's correct.
36
37 COMMISSIONER: Or what - punishment is probably not the
38 proper term; what result follows a complaint.
39 A. Yes, I agree.
40
41 COMMISSIONER: All right.
42
43 MS O'GORMAN: Many of the cases that we've discussed today
44 came to our attention because witnesses to the cases knew
45 about what had occurred and knew in the cases where LMR was
46 issued that LMR had been given or that the matter had been
47 dealt with in some quiet manner and were aggrieved about

1 that. Do you accept that those people were right, firstly,
2 to feel aggrieved about the fact that serious conduct had
3 gone on and been dealt with at such a low level?

4 A. Yes.

5
6 Q. And, secondly, do you accept that those people were
7 right when they told us that they were aggrieved about the
8 fact that to them it looked like the organisation just
9 doesn't take this sort of conduct seriously?

10 A. And I touched on that before, on the matters that I've
11 looked at, I couldn't see where we had dealt with the
12 victim but with the perpetrator or subject officer. It
13 hasn't been done well.

14
15 Q. And on the basis of this material, at least the
16 material that we've provided to you in recent times, does
17 it appear to you that the organisation needs to do much
18 better to deal with those who perpetrate conduct which is
19 sexist and misogynist and to support your women who are
20 victims of it?

21 A. Yes. This should never be dealt with as an LMR.

22
23 Q. All right. We've been talking to date about
24 particular cases and the impact that they had or might have
25 had on individual complainants and other officers within
26 your organisation. I want to turn now to some cases that
27 have been brought to our attention that might tend to
28 demonstrate the link between the danger of your officers
29 holding sexist and misogynist views and how they engaged
30 with domestic and family violence aggrieveds within the
31 community. Can we turn to that topic now?

32 A. Yes.

33
34 Q. Could I ask you to go, please, to document B11. One
35 of your officers contacted us anonymously - I don't know
36 who it was - to advise that this matter had been - well,
37 that this incident had occurred. The date is not apparent
38 on the document here, but as you can see it was in June of
39 this year; so recently and since the Commission of Inquiry
40 started; you can see that?

41 A. Yes.

42
43 Q. And we've also redacted exactly where this occurred,
44 but you can see that it was obviously in Queensland?

45 A. Yes.

46
47 Q. Now, we were provided with the body-worn camera

1 footage of the police officer or one of the police officers
2 involved in this incident once we were informed about it?

3 A. Yes.

4

5 Q. And I understand that you also have watched that
6 body-worn camera footage?

7 A. Yes.

8

9 Q. You would be aware from having seen it that on a
10 particular day in June of 2022 some of your officers were
11 called to a suburban address to attend a domestic and
12 family violence matter?

13 A. Yes.

14

15 Q. The matter so far as domestic and family violence
16 call-outs go was entirely unexceptional, wasn't it?

17 A. Yes.

18

19 Q. The interaction between these police officers and the
20 DV aggrieved and the respondent occurred on a suburban
21 street on a sunny day here in Queensland?

22 A. Yes.

23

24 Q. It wasn't as though these police officers were in a
25 dangerous place in close quarters and were outnumbered by
26 people in the community who might have been posing a danger
27 to them?

28 A. Yes.

29

30 Q. There were more police officers there than there were
31 members of the public?

32 A. Yes, it would appear on the body-worn video. I wasn't
33 there, so I can't say.

34

35 Q. All right. Now, we can see that the police officers
36 attend and they're attempting to deal with a respondent who
37 is agitated and uncooperative and difficult to deal with;
38 you'd accept that having watched the video?

39 A. Yes.

40

41 Q. The DV aggrieved, that is his female partner, was
42 telling police that, "He's not a criminal. He needs to go
43 to mental health. He's going through psychosis" at the
44 time?

45 A. Yes.

46

47 Q. Now, you can see that throughout the interaction

1 between the respondent and the police officer the
2 respondent is called a number of names. For example, you
3 can see halfway down that page he's referred to as a dirty
4 fucking prick by one of the police officers?

5 A. Yes.

6
7 Q. If we go up and over the page you can see that a
8 little later in the interaction one of the police officers
9 calls the respondent or says to him, "You are a piece of
10 fucking shit"?

11 A. Yes.

12
13 Q. A little bit later one of the police officers asks,
14 "What have you got in your hand you fucking idiot"?

15 A. Yes.

16
17 Q. A little bit later, "Why would you not let them go,"
18 and he's referring to some keys that the respondent has in
19 his hand while the police are trying to arrest him on the
20 footpath, again calling him a fucking idiot?

21 A. Yes.

22
23 Q. Over the top of the next page, further on in the
24 interaction, we can see that the police officer tells the
25 respondent to, "Shut up fuckhead"?

26 A. Yes.

27
28 Q. Now, in circumstances where this was a relatively
29 uncontroversial call for service this sort of language, if
30 it's ever appropriate, was certainly not appropriate here?

31 A. Not appropriate.

32
33 Q. If we go over the page we can see that later on in the
34 interaction the police officer again refers to the
35 respondent as a fucking idiot; do you see that?

36 A. Yes.

37
38 Q. Over on the next page we can see once the respondent
39 has in fact been placed in the police vehicle and is in
40 that way entirely restrained the police officer approaches
41 him and tells him, "You fucking drug-fucked piece of shit";
42 do you see that?

43 A. Yes.

44
45 Q. Entirely inappropriate?

46 A. Yes, definitely.

47

- 1 Q. A little bit further down the police officer says,
2 "Shut the fuck up"?
- 3 A. Yes.
4
- 5 Q. You can see later on the police officer, referring to
6 that respondent to the aggrieved, says, "He's a fucking
7 loser every day of the week."
8 A. Yes.
9
- 10 Q. Do you see that?
11 A. Yes.
12
- 13 Q. Now, the transcript isn't here but if you've seen the
14 recordings you'll know that a little bit later that
15 aggrieved is distressed and is saying, "Is he injured? Has
16 he been brain damaged," and that police officer says,
17 "Let's hope so." Do you recall hearing that?
18 A. Yes.
19
- 20 Q. All right. Now, that alone is fairly concerning,
21 I would suggest, when you have members of your organisation
22 attending on a call for service and speaking to a DV
23 respondent in that way?
24 A. Yes.
25
- 26 Q. No-one deserves to be spoken to like that?
27 A. It's disgusting.
28
- 29 Q. As far as they knew, because they were being told,
30 this was a man who was suffering from a psychosis,
31 potentially a drug-induced psychosis?
32 A. No-one should be treated that way.
33
- 34 Q. All right. Can we go to how the police officer dealt
35 with the female aggrieved, however. She was not at any
36 time the subject of an attempt of arrest or anything like
37 that, was she?
38 A. No, she wasn't.
39
- 40 Q. She was off to one side?
41 A. Yes.
42
- 43 Q. She was at times clearly distressed and yelling at the
44 police officers to stop hurting her partner?
45 A. Yes.
46
- 47 Q. Now, whether or not they were hurting him or not

1 hurting him, she was nonetheless dealt with very poorly by
2 the police in attendance, wasn't she?

3 A. Yes.

4

5 Q. If we go back to page 3 of this transcript and down
6 towards the bottom of the page we can see, can't we, that
7 at one point she yells out, "Fucking hell," this is about
8 the fact that the respondent is on the ground being
9 arrested physically by police officers, she calls out to
10 her partner, she says to the police officer, "Stop, he's
11 bleeding"; can sue see that?

12 A. Yes.

13

14 Q. And you know he was in fact bleeding from his face?

15 A. Yes.

16

17 Q. Now, the police officer says, "It's me bleeding, you
18 fucking idiot"; do you see that?

19 A. Yes.

20

21 Q. He's talking there to the female aggrieved?

22 A. Yes.

23

24 Q. Who's done nothing wrong --

25 A. Yes.

26

27 Q. -- to the police officers?

28 A. That's correct.

29

30 Q. All right. He asks her, "Are you blind?" Do you see
31 that?

32 A. Yes.

33

34 Q. And then says, "Fucking dumb slut"?

35 A. Yes. Absolutely appalling and absolutely
36 unacceptable. I read this and I saw it and it's upsetting
37 for me as a woman and a senior - and a Commissioner to see
38 and read this because we're here to protect the public.
39 That's our role. I was appalled.

40

41 Q. The Commission of Inquiry in earlier public hearings
42 and in private hearings for that matter and submissions
43 received from DV aggrieved and from organisations that
44 assist women who are the subject of domestic and family
45 violence have heard that it is not uncommon for police
46 officers to treat DV aggrieved in the community very
47 poorly; you'd be aware that we've heard evidence about

1 that?

2 A. Yes.

3

4 Q. This information that we received from one of your
5 police officers allowed us to see an example of that up
6 close and loud and clear; do you accept that?

7 A. Yes.

8

9 Q. We might not have known about this interaction but for
10 one of your members being prepared to advise us that it had
11 in fact occurred; correct?

12 A. Yes.

13

14 Q. It might have not been known to anybody except those
15 two people who were dealt with in this way on that street
16 but for the fact that one of your members brought it to our
17 attention; correct?

18 A. Yes, in this instance, yes.

19

20 Q. Does that cause you concern that it is difficult to
21 know the extent to which you're police officers misbehave
22 in dealing with domestic and family violence aggrieveds?

23 A. To the extent, but I do know on many instances that
24 police have reported police for this type of behaviour.

25

26 Q. Had this been reported?

27 A. No, not this one.

28

29 Q. All right.

30 A. Yes.

31

32 Q. I understand from your counsel that the matter is
33 known to the service and that the police officer was dealt
34 with by LMR?

35 A. Sorry, this one was. Thank you. But it should not
36 have been dealt with by LMR.

37

38 Q. All right. I wasn't aware that it had been brought
39 to --

40 A. No, I actually - sorry, thank you for that, and I'm
41 glad that is the case.

42

43 Q. Well --

44 A. I thought it was brought in through the Commission,
45 but either way it's appalling. It's inappropriate.

46

47 Q. Okay. I mean, just to be clear, it certainly was

1 brought to our attention --

2 A. Yes.

3

4 Q. -- by one of your members.

5 A. Yes.

6

7 Q. We weren't told by the organisation that this had
8 occurred. We've heard about it from a submission.

9 A. Okay. But the matter, yes, was reported into the
10 organisation.

11

12 Q. Okay. Do you know whether it was reported
13 independently or whether it was reported once we requested
14 this material, and if you don't know I can see that your
15 lawyers can probably tell me. I understand that the
16 respondent's mother made a complaint in respect of this
17 matter and that's how it was brought to your organisation's
18 attention.

19 A. Thank you.

20

21 Q. Okay. In respect of the fact that LMR was given to
22 this police officer in circumstances where he's called a DV
23 aggrieved a fucking dumb slut what's your view on the
24 appropriateness of that action being taken by your
25 organisation in relation to that?

26 A. This matter, as the previous matters I've spoken
27 about, should not have been dealt with by LMR.

28

29 Q. Right. Could we turn to another of the cases that we
30 discussed earlier, perhaps look at it through a slightly
31 different lens now. If we go to document B10. I'm sorry,
32 B2. You'll remember at the beginning of the day we talked
33 about the incident in which a senior constable threatened
34 to punch his female officer in charge in the cunt?

35 A. Yes.

36

37 Q. All right. If you have a little look at the bottom of
38 that page you can see that three years earlier that same
39 police officer had been tasked to investigate a domestic
40 and family violence matter in a particular area in
41 Queensland that's been blacked out for the moment. The
42 file that we've had regard to demonstrates that he and his
43 constable partner interviewed both the aggrieved and the
44 respondent and the aggrieved left the house and sought
45 overnight accommodation elsewhere after that particular
46 call for service. Upon returning to the station, the
47 senior constable finalised the job as no DV. The

1 constable, however, was of the view that there was
2 sufficient evidence to support a police application for a
3 domestic and family violence order. That evidence included
4 the fact that the respondent had in fact admitted to the
5 police officers that he had threatened to assault the
6 aggrieved by punching her in the face and her children by
7 kicking them in the guts and refusing to leave the
8 aggrieved's home.

9 A. Yes.

10
11 Q. Now, that senior constable's lack of action was
12 investigated subsequently by a sergeant. The investigator
13 concluded that the senior constable's investigation, his
14 report and his actions were deficient; he hadn't accurately
15 recorded the versions provided to him by the parties and he
16 hadn't accurately recorded the observations made by police
17 at the call for service. The DVO was later applied for by
18 police and granted. And in 2017 that senior constable was
19 provided with LMR on the matter in respect of how to
20 conduct the investigation and the importance of complying
21 with QPS policies and procedures; can you see that?

22 A. Yes.

23
24 Q. And he was told to undertake a number of online
25 learning products to help him recognise and respond to DV;
26 do you see that one?

27 A. Yes.

28
29 Q. All right. Now, taken by itself looking at that
30 course of conduct by him in 2016 it might have appeared
31 that his failures resulted solely from a lack of training
32 about how to respond to DV; that's right, isn't it?

33 A. On its own it may be the case.

34
35 Q. Okay. But subsequent conduct by him in 2019 in which
36 he spoke to his female superior in that vile manner would
37 suggest that in fact he's underlying sexism and misogyny or
38 his disrespect of women may well have been one of the
39 causes for the fact that he failed in his duty to
40 respondent to DV properly; would you accept that that's
41 likely?

42 A. It's difficult for me to join those two --

43
44 Q. All right.

45 A. -- without having a lot more information on that.

46
47 Q. Okay. Let's go to some other examples of police

1 officers responding to domestic and family violence. Could
2 we go to B10, please. These are some of the cases which
3 came up in the data that we requested in respect of
4 complaints made in the last two years; you understand that
5 by way of context?

6 A. Thank you.

7
8 Q. All right. Now, in relation to the first case, if we
9 could zoom in on that we can see it relates to a complaint
10 against one of your senior constables?

11 A. Yes.

12
13 Q. And his conduct in about May of last year?

14 A. Yes.

15
16 Q. All right. You can see that the allegation that was
17 made against him was that he was unprofessional in speaking
18 to a complainant after a domestic violence incident by not
19 listening to her or repeating back information correctly,
20 and because of other interactions with the subject officer,
21 so the complaint went, when the complainant said she didn't
22 want to speak to him he said, "That's okay. We'll just let
23 him go then," referring to the respondent; and the officer
24 made comments towards a witness which were sexist in
25 nature. That's the allegation that was made against him?

26 A. Yes.

27
28 Q. All right. In terms of the description of the conduct
29 it was said that the officer faced two allegations of
30 speaking inappropriately to women on two different dates in
31 May of 2021. In respect of one he attended a hospital to
32 speak to a female aggrieved in relation to a DV incident.
33 The officer wasn't listening; he paraphrased what she told
34 him incorrectly. She advised that she didn't want to speak
35 to him and he responded, "That's okay. We'll just let him
36 go." That was the first one. And the second one was when
37 attending a female witness's house to discuss obtaining the
38 statement the officer made a number of sexist comments to
39 the effect that women were always to blame in DV matters;
40 do you see that?

41 A. Yes.

42
43 Q. Now, in respect of those complaints the allegations
44 were unsubstantiated because the officer had turned off his
45 body-worn camera and there was therefore no recording. So,
46 on the one hand, there were complaints made by people that
47 they had been dealt with inappropriately by the police

1 officer. On the other hand, the matter was found not to be
2 substantiated because he hadn't recorded it and so it was
3 just determined that no conclusion could be drawn about
4 whether those complaints were correct or not correct. He
5 was, however, given local management resolution by virtue
6 of the fact that his body-worn camera had been turned off
7 and because in respect of his interaction with one of the
8 respondents when he served that respondent with a police
9 protection notice he asked the respondent why he would want
10 to go there anyway with the aggrieved and told the
11 respondent that he would look after him and that she, the
12 aggrieved, is a psycho; do you see that?

13 A. Yes.

14

15 Q. Now, in that case, although he was only found or the
16 complaint was found only to be substantiated in respect of
17 part of it, he was given LMR for a conversation with
18 the respondent and the fact that his body-worn camera was
19 turned off when it should have been on; do you see that?

20 A. Yes.

21

22 Q. My suggestion is that there is a link between a police
23 officer who deals with members of the public by referring
24 to DV aggrieveds as psychos and an underlying sexism and
25 misogyny on that officer's part; would you accept that?

26 A. In that - yes.

27

28 Q. All right. If we have a look at the next case. This
29 involved a complaint in respect of one of your senior
30 constables in a different region in relation to an incident
31 which occurred in March last year. The allegation was that
32 he had acted unprofessionally towards her. She was a party
33 in a DV matter. It was said that the officer directed
34 inappropriate comments towards her when he was assisting
35 her on two dates in 2021. In March, when she attended to
36 report a breach, he insisted on escorting her outside and
37 waiting with her for an Uber. While waiting he discussed
38 his private life with her, told her he was a bad boy and
39 probably shouldn't be a police officer, and told her that
40 she was too good looking to have to deal with the sorts of
41 breaches she was dealing with. She, perhaps
42 unsurprisingly, felt like he was hitting on her.

43

44 Then on a separate occasion in May of last year she
45 received texts from the officers in relation to the breach.
46 One text said that they should hook up soon. She didn't
47 respond. The police officer later apologised, saying he

1 sent the text to the wrong person. But that DV
2 complainant, again perhaps understandably, felt
3 uncomfortable by his conduct; you'd accept that's
4 reasonable for her to have felt that way?

5 A. Uncomfortable, yes.

6
7 Q. All right. Now, we can see that he was dealt with by
8 way of LMR, it having been determined there was sufficient
9 evidence to proceed in respect of that matter; correct?

10 A. Yes.

11
12 Q. Okay. Now, if we can have a look at the next case.
13 It involves a senior constable, again from a different
14 region, in relation to conduct which occurred in the May or
15 December of 2021 where the allegation was that the officer
16 had attended a DV incident during which he made
17 inappropriate comments. He said things like in relation to
18 a male person's complaint that the police were only
19 obtaining the female's version. He said, "We don't just
20 come here and start believing the bitches." And in
21 response to a male person's comments that the female's
22 ex-partner was justified in assaulting her the police
23 officer said, "That's exactly right, fucking oath." And
24 while the female person was being restrained by Queensland
25 Ambulance Service the police officer said under his breath,
26 "Shut the fuck up" about the female DV aggrieved. Again
27 the matter was dealt with by LMR.

28 A. Absolutely awful and should not have been dealt with
29 in that manner.

30
31 Q. All right. The next topic that I wanted to go to is
32 to revisit some of the matters that you started to describe
33 a little earlier, that is efforts by the organisation in
34 recent years to address these problems, firstly by the
35 establishment of Juniper and more recently by the
36 establishment of WAST and CTT. I'm just wondering, given
37 the time, Your Honour, and the fact that it would be a new
38 topic, whether it would be appropriate to resume that
39 tomorrow morning.

40
41 COMMISSIONER: We can start a bit earlier tomorrow
42 morning? I'm a bit worried about finishing this witness
43 tomorrow.

44
45 MS O'GORMAN: Yes. Certainly, unless there's any
46 objection from anyone at the Bar table.

47

1 COMMISSIONER: All right. Commissioner, can you find out
2 overnight about that complaints mechanism?
3 A. Yes, thank you.

4
5 COMMISSIONER: All right.

6
7 <THE WITNESS WITHDREW

8
9 AT 4.25PM THE COMMISSION WAS ADJOURNED UNTIL THURSDAY,
10 6 OCTOBER 2022

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