

Submission to the Commission of Inquiry relating to the Crime and Corruption Commission

1. At the outset, I acknowledge that I retired as the Commissioner of the Queensland Police (QPS) over 9 years ago.
2. My observations and views are based on:
 - My 44 years of service with the QPS (1968-2012), the last 12 years as Commissioner
 - Contemporary conversations with currently serving members of the QPS
 - Media reporting of issues relating to the Crime and Corruption Commission (CCC)
 - An awareness of the circumstances relating to the prosecution of Superintendent Michelle Stenner by the CCC (in which matter I provided character evidence for her at her first District Court Trial).
3. This submission will endeavour to generally respond to aspects of the Terms of Reference and the correspondence to myself dated 23 March 2022.
4. The secondment of QPS Officers to the CCC is a long established process, which should continue.
 - 4.1 It enhances the position that maintaining ethical and professional standards within the QPS is primarily the responsibility of all members of the QPS.
 - 4.2 Also competent, experienced investigators are a valuable commodity. The STENNER case was characterised by a poor quality of investigative practice from the outset (not by a seconded QPS officer).
5. There should be policy and practice consistency between the CCC, QPS and the Director of Public Prosecutions (DPP) regarding:
 - A decision to prosecute; and
 - The form of placing a person before a court.
 - 5.1 It would be preferable to have the DPP involved in determining the sufficiency of evidence in matters that require determination in the District or Supreme Court.
 - 5.2 It is unlikely that a QPS officer seconded to the CCC would have the confidence to resist a prosecution where the Chair of the CCC has authorised such prosecution.
 - 5.3 In my view, the term of a QPS officer seconded to the CCC should be for a minimum of 2 years and maximum of 3 years.
6. In relation to procedures, practices and processes, the prevailing culture within the CCC (or any organisation) determines how these aspects are operationalised.
 - 6.1 In my view, unless there is clear criminal and/or corrupt activity, an educational approach is better than an aggressive prosecutorial approach.
 - 6.2 The use of:
 - Telephone interception (T.I.)
 - Search warrants
 - Covert activity and
 - Coercive hearings.Should only occur in respect of serious matters that warrant and justify the use of such approaches and powers – particularly T.I. and coercive hearings. The STENNER case, which was never more than a minor HRM matter, is an example of the misuse of such powers.

- 6.3 Where in reality a coercive hearing is a 'perjury trap' process rather than establishing facts and information, consideration should be given for a suitably qualified person outside the CCC to both preside over such hearings and ensure the fairness of its progression.
- 6.4 The CCC (and its predecessors) represent an important part of good governance. For the CCC to be effective its credibility in terms of:
- Sound policy and decision making in terms of a decision to investigate matters or refer back to the agency involved
 - The use of its significant powers
 - Decisions to prosecute
- Are fundamental. Apart from the personal harm to individuals who are the subject of poor practice in relation to these aspects, it is also harmful to the credibility of the CCC.
- 6.5 CCC investigations should be characterised by:
- Need
 - Fairness
 - A lack of bias and assumptions
 - Sound investigative practice
 - Prosecutions that are in the public interest and where sound evidence exists that can prove all elements of the alleged offence.
7. No newly appointed Chair of the CCC, (or for that matter Police Commissioner) would want to be seen at the end of their term, as having presided over a time of slippage in ethical and professional standards. Related pressures include:
- Funding and resourcing
 - Expectations of results
 - Media scrutiny
 - Public and political interest.
- 7.1 Managing these matters and the way forward for the CCC could include:
- The Chairs term be for a minimum of 3 years and maximum of 5 years.
 - The Chair be appointed as either a District of Supreme Court Judge at the outset (to take up that role at the conclusion of their CCC term as Chair).
- OR
- An existing District or Supreme Court Judge who will conclude their career as a Judge at the end of their 3-5 year term as Chair of the CCC.
 - Bi-partisan long-term guaranteed indexed annual State Government funding.
 - An Advisory Committee that the Chair reports to or engages with monthly that is representative of a broad cross section of the Queensland Community.
 - The establishment of a Research Unit within the CCC with a role consistent with that of the Research Unit established within the original Criminal Justice Commission.
8. My thanks for the opportunity to comment on these important issues.



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