



Hon Judy Spence MP
Member for Mt Gravatt



Minister for Police, Corrective Services
and Sport

Ref: 5485 F5 LT

24 JUN 2008

Senator George Campbell
Chair
Parliamentary Joint Committee on the
Australian Commission for Law Enforcement Integrity
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Senator Campbell

Thank you for your letter of 29 May 2008 regarding the provision of a submission to the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity.

I referred this matter to the Queensland Police Service and have been advised the following information applies in respect to your Committee's Terms of Reference:

- (a) Pursuant to Section 4.8 of the *Police Service Administration Act 1990* the Commissioner of Police is responsible for the efficient and proper administration, management and functioning of the Police Service, including the discipline of members of the Service.

The Commissioner of Police has, under Section 4.10 of the *Police Service Administration Act 1990*, delegated his powers, functions and duties under Chapter 2, Part 3 of the *Crime and Misconduct Act 2001* relating to discipline to the Assistant Commissioner, Ethical Standards Command (ESC). Accordingly, the Assistant Commissioner, ESC can direct members on any matter of discipline or complaint against a member and is the central point of liaison between the Crime and Misconduct Commission (CMC) and the Service.

The CMC came into existence on 1 January 2002 when the Criminal Justice Commission (CJC) and the Queensland Crime Commission (QCC) merged to form a new organisation. The CJC had been established by the *Criminal Justice Act 1989*, to help restore confidence in our public institutions after the revelations of the 1987–89 Fitzgerald Inquiry into police corruption.

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The CMC may refer misconduct matters to the Service to be dealt with as the CMC and Assistant Commissioner, ESC direct.

All matters of misconduct (which includes police misconduct and official misconduct) must be overviewed by the ESC before any action is taken. The ESC and CMC audit and review how complaints, regardless of their classification, are dealt with. Breaches of discipline are the responsibility of Regions/Commands and Directorates, dealt with and finalised at the local/regional level with only the outcomes of those complaints recorded at ESC.

- (b) The ESC is comprised of three branches, the Internal Investigations Branch - responsible for the investigation of complaints against police; the Ethical Practice Branch - responsible for Corruption Prevention, Risk Management, and Education and Training; and the Inspectorate and Evaluation Branch - responsible for the inspection and audit of police establishments. Each of the three branches is headed by a Superintendent who reports to a Chief Superintendent. The Chief Superintendent reports to the Assistant Commissioner, ESC who in turn reports directly to the Police Commissioner.
- (c) By virtue of the *Crime and Misconduct Act 2001* the CMC has a legislated overview role of integrity and the discipline process within the Queensland Police Service. The Act also legislates an overview of the CMC by The Parliamentary Crime and Misconduct Committee, a standing committee of the Legislative Assembly.
- (d) Any QPS members seconded to external agencies are still subject to the rules and regulations governing their employment with the QPS. Therefore, any allegations against a member involving discipline issues can be investigated in the same manner as if that member had been performing duty within the QPS at the time of the alleged incident.
- (e) The Ethical Practice Branch within the ESC has the responsibility for QPS corruption prevention awareness and training. To this end, members deliver corruption prevention and ethical awareness lectures to recruits, sworn officers and staff members. In November 2007, the QPS launched its first Corruption Prevention Plan (CPP) and since that time supervisory levels of management have been targeted and introduced to the CCP through state-wide lectures. The CPP is directly linked to QPS Risk Management Plans at all levels throughout the organisation.

The ESC also monitors the complaint history of all its members to enable early intervention should intelligence reveal a potential problem developing within a specific area or with an individual. When a potential problem is identified the ESC Command assists the respective Region or Command with early intervention strategies to prevent the problem from escalating. Wherever possible the problem is addressed using managerial solutions (rather than punitive penalties) to correct the behaviour identified.

- (f) All members of the QPS have a statutory obligation under Section 7.2 of the *Police Service Administration Act 1990* to report any misconduct or breaches of discipline (suspected or otherwise) as soon as practicable to the Commissioner of Police and, in the case of misconduct or official misconduct, to the Chairperson of the CMC. In support of those members who come forward and report such matters, the QPS has an Internal Witness Support Program which addresses any welfare issues associated with such action and monitors the member's workplace to prevent any harassment from occurring. The Internal Witness Support Program is run by staff attached to the Ethical Practice Branch.
- (g) The QPS considers corruption prevention of extreme importance and this is evidenced by the proactive approach taken to educate its members on their obligations and the early intervention programs designed to identify and address potential discipline issues. All corruption prevention programs are reviewed regularly and could be applied to the structure and operations of the Australian Commission for Law Enforcement Integrity.

I trust this information is of assistance.

Yours sincerely

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Minister for Police, Corrective Services and Sport

PARLIAMENTARY JOINT COMMITTEE ON
THE AUSTRALIAN COMMISSION FOR
LAW ENFORCEMENT INTEGRITY
REC'D: 8/7/08.....
FROM:
AUTHORISED FOR PUBLICATION:
SECRETARY: 