

Crime and Corruption and Other Legislation Amendment Bill 2024

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Submission By Laurence Smith former councillor Logan City Council.

My recommendation is based on my treatment during the investigation by the Crime and Corruption Commission in relation to the circumstance surrounding the dismissal of the former CEO of Logan City Council Sharon Kelsey.

Subsequent to this investigation criminal fraud charges under section 408c of the Queensland Criminal Code where it was alleged that I dishonestly caused a detriment exceeding \$100,000 to Sharon Rae Marie Kelsey.

The charges that were laid against myself and other councillors were withdrawn following a committal hearing before Magistrate Stephen Courtney.

Whilst I do not wish to go into the extensive details of the hearing.

Suffice to say there was insufficient evidence to establish a prima facie case against any of the councillors that were charged in this matter.

Given that the evidence was largely hearsay evidence the elements of a fraud charge could not be satisfied as significant primary evidence is required under normal circumstances that a crime has been committed.

The recommendation that I am suggesting is that before the Crime and Corruption Commission charges an individual the appropriate evidentiary requirements are scrutinised by the Department of Public Prosecutions and are validated by the Director of Public Prosecutions before an individual is charged. In my experience the evidentiary requirements to establish the elements of the crime of fraud were not met and I was therefore afforded a lesser level of justice than would be experienced by an ordinary citizen facing a like same charge.

In my opinion no one, but no one has been held responsible nor accountable for the biased actions undertaken against seven innocent people, the investigation undertaken by police officers within the jurisdiction of the Crime and Corruption Commission did not undergo the vetting processes normally undertaken by officers of the Queensland Police Service.

IE that is Queensland Police prosecutors ensure that there is a solid evidentiary basis before presenting to a Magistrate's court.

In my opinion the CCC is afforded a greater range of actions and provided with tools not available within the every day criminal justice system. We should expect that those that have the ultimate power of investigative tools at their disposal would act in the most upstanding, fair minded, impartial manner, no matter what they were being told or confronted with.

Our society expects our law officers to act in the most honest and chivalrous manner.

I along with my colleagues did not receive fair, impartial honest treatment.

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2nd submission by Laurence William Smith

Organizational suggestions to

decrease the mind set of zealotry ,

increase the robustness of the investigators ,

investigate the whistle blower / complainants reasons and allegations to ensure there isn't a hidden agenda

protection for the accused and complainant whilst the investigation is underway

penalties for vexatious complaints or complaints that have no foundation nor evidence.

To address the above points my suggestions are

1. Chairmans role is held for a five year term
2. Chairman should be a retired Judge either supreme or district court with extensive case variations
3. The current advisory panel becomes a peer review panel with membership made up of, senior commissioned police officer, criminal barrister, human rights and discrimination lawyer, an independent member of parliament not from the ALP or LNP and one spare spot that allows the peer review panel to invite subject experts to assist on an as needs basis.
4. All briefs once approved by the peer review panel are then reviewed by both the QPS prosecutors and the DPP to assess the merits and strength of the case and that it has the required substantiated primary evidence that should lead to a conviction.
5. Once an investigation is commenced a devils advocate is also appointed to investigate the whistle blower / complainant to

ensure that there is no hidden agenda, their role is to question the strength of the evidence gathered by the investigators to ensure fairness, impartiality and that it meets the standard required by the peer review panel.

6. Both the whistle blower / complainant and the accused deserve privacy and protection during the course of an investigation. Penalties for frivolous / vexatious complaints should be introduced, when people's careers, reputations, financial well-being, mental and physical health are severely and could be severely damaged. At present there appears to be no accountability for false allegations.

We the ordinary citizens of Queensland should have the utmost faith in the integrity, professionalism and actions taken by our law enforcement entities.

We acknowledge that our defenders of the law are required to be equipped with extensive powers and resources, which have been provided to the Crime and Corruption Committee

With that provision of power also comes the requirement that those powers are used to produce a fair, impartial and unbiased investigation which leads to a legally successful outcome that benefits our society.

Laurence W Smith

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