

Crime and Corruption and Other Legislation Amendment Bill 2024

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In response of the most serious travesty of justice towards the Logan 7 innocent Councillors of Logan City Council namely Jennie Breene, Cherie Dalley, Russell Lutton, Phil Pidgeon, Laurie Smith, Steve Swenson and myself Trevina Schwarz and with analysing the learnings of the catastrophic failing in our case, I welcome the Crime and Corruption and other Legislation Amendment Bill 2024.

The Logan 7 was not afforded 'Natural Justice'. The definition of Natural Justice is the right to be heard; unbiased decision making; and procedural fairness. The Logan 7 was wrongfully and likely unlawfully, slammed with a criminal charge of "Fraud" attracting 20 years imprisonment. To date I am not aware of any persons been held accountable or responsible for the gross injustice and negligence inflicted onto 7 innocent people doing their job, doing what the community had elected them do and what 7 innocent people had sworn on oath to do.

It became apparent some of the CCC star witnesses engaged in the same and if not worse activity than what the 7 innocent Councillors were wrongfully accused of. Witnesses making such serious accusations attracting a person to receive a criminal charge of 20 years imprisonment ought to have those accusations investigated and fact checked prior to charging to ensure they are not deliberately false or made in bad faith, out of spite or personal gain and accusations are not schemed in a Machiavellian way. No action has been taken against this offence.

Furthermore, I understand and agree there needs to be well considered protections for persons making public interest disclosures, however just as imperatively there is also an equal need to ensure those accusations are founded, have merit, and are with truth. Just because one identifies themselves as a whistle blower does not mean the accusations are with validity and truth. As I see it a person making a PID or a whistle blower is afforded great protection however this privilege also should be corresponded with accountability to ensure the PID is not deliberately false or made in bad faith, in spite or for personal gain. Once again, no action has been taken against this offence.

The weight of the CCC's decision to charge was based on hearsay and with completely unfounded allegations. It was proven the CCC denied us Natural Justice and failed to investigate unbiasedly and impartially. The CCC and its board and officers completely ignored the legislation and their

guidelines and procedures. The CCC was on an intense crusade to prove systemic corruption in Local Government, which ultimately failed however this was at an immense cost on innocent hard working peoples lives. Once again, no action has been taken against this offence.

The PCCC Report 2 December 2021 No 108: Inquiry into the Crime and Corruption Commission's investigation of former Councillors of Logan City Council is very telling. This travesty of justice will never leave the haunts of the Logan 7. Near 5 years since we were wrongfully criminally charged and over 2 years since this report exposed the catastrophic failure of the CCC, and still to this day no meaningful apology for the Logan 7.

Following the PCCC Report No 108 a CCC Commission of Inquiry was engaged headed by the Honourable Gerald Edward (Tony) Fitzgerald AC QC and Mr Alan Wilson. In response to the CCC COI it has taken some 18 months for the Amendment Bill to be released and only allowing 5 business days for submissions to be reviewed, considered and lodged. I do not feel this is an adequate time frame in order to obtain fully considered submissions by all interested and relevant stakeholders. The explanatory notes advise that key stakeholders were engaged in the formation of this Amendment Bill. As an example can I please be advised if the Qld Council of Civil Liberties was engaged or informed of the Amendment Bill release and were the stakeholders involved in the PCCC Report No 108 consulted and advised of the release.

As the CCC COI and Amendment Bill was created largely due to the most serious and catastrophic failings by the CCC's actions in the case of the Logan 7, I would have anticipated that the State Government would have at the very least advised the Logan 7 of the release of this Amendment Bill and its calling for submissions in just 5 business days. If not for a third party advising me of this release the Logan 7 would have missed the opportunity to lodge a submission, should they wish.

I welcome the amendment of the requirement of an MOU between the CCC and the DPP and the inclusion that the DPP needs to be satisfied to not only charge but also the nature of the charge. In addition, I feel the MOU should include the requirement that the DPP is to check and ensure the CCC has followed legislation and investigated with natural justice, fairly,

unbiasedly, impartially and have undertaken a balanced and thorough investigation which the CCC grossly failed to do so in the case of the Logan 7.

I believe the ability for the CCC to make announcements, media releases and reporting remains in discussions and is under additional scrutiny with recent court proceedings. I would like to remind the Committee of the unusual public Announcement made by the then Chair of the CCC namely Mr Alan Macsporrán on the 26 April, 2019 and then additionally in his capacity as a speaker at a conference making personal gross defamatory and slanderous comments directly towards the Logan 7. Again, no action was taken.

The reduction of maximum terms in positions for the Chairperson, Deputy Chairperson and Ordinary Commissioners is supported however I believe there is potential that this could be reduced further to a maximum term of the 5 years as opposed to 7 years. It may be appropriate that a member could reapply after they have permanently left for a period of a full term.

The requirement for an Ordinary Commissioner of 2 persons to have a demonstrated interest and ability in community affairs, public administration and or organisational leadership is welcoming. I further believe these 2 persons need to be A Political and not affiliated with a political party. The integrity, independence, and balance of skills and experience of this board is paramount.

I hold concerns that Senior Officers are still able to hold their position for 10 years and more. I appreciate that the knowledge and experience one holds can be very valuable however to ensure confidence, integrity and culture of the CCC and its immense powers and jurisdiction this should be reduced and most certainly not more than 10 years.

There is also no clarification that I can identify for what is deemed to have “permanently left”, and if this timing is considered appropriate. I am unable to identify if consideration has been put to a person leaving as an officer and returning under the guise of an external agent or contractor, if this has not been addressed this needs to be considered alongside this Amendment.

I await for those to be held accountable and the CCC and State Government to provide a meaningful apology to the Logan 7.

I am in hope that the serious stark failures of the CCC are never repeated!

Sincerely
Trevina Schwarz