Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025

Submission No:	6
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Submitter Comments:	

Dear Chairperson,

RE: CRIME AND CORRUPTION (RESTORING REPORTING POWERS) AMENDMENT BILL 2025 ("BILL")

1. BACKGROUND

1.1 General Background

I am a Plaintiff in a Supreme Court action claiming damages against the State of Queensland (**Claim**). The action continues. The State is the Defendant, in its capacity as the appropriate body to be sued for the conduct of the Crime and Corruption Commission (**CCC**).

You are probably aware of the general circumstances:

(a) In 2019 I was a Councillor of the Logan City Council (**LCC**). I was sacked by the then Government following charges being laid against me which arose out of my voting in favour of the termination of the CEO of the LCC during her probation (**Charge**).

(b) I was charged by a police officer seconded to the CCC with aggravated fraud, following the recommendation/approval of such Charge being laid by the then Chair of the CCC, Alan MacSporran KC (**Chair**).

(c) The Charge against me was dropped in 2021, two years after the Charge was laid, during the course of a Magistrates Court Committal Hearing in which the office of the Director of Public Prosecutions indicated that the prosecution would not be proceeding with the charges, offered no evidence and that I was to be discharged and the aggravated fraud charges were dismissed.

(d) Thus in short, I allege in my Claim that there was no basis for the charges to be brought. I have alleged against the CCC a claim for malicious prosecution and abuse of process (amongst other loss and damage).

(e) I have successfully defended all legal proceedings brought by the CEO in the Queensland Industrial Relations Commission relating to the termination of her employment.

1.2 Comments by CCC to Public regarding Charges and my Conduct

Submissions were made to the Parliamentary Crime and Corruption Committee on 26 July 2021 on my behalf to the subsequent Inquiry into the Crime and Corruption Commission's investigation of Former Councillors of Logan City Council (**Submission**). The Submission was settled by Saul Holt KC, Paula Morreau and Charles Massy.

The Submission addressed issues that arose because of statements made by the Chair while the Court process was underway in relation to the Charge. An extract from that Submission is below:

(vi) Media statements by the Chair

175. Great care must be taken in any public statements made by those responsible for the investigation of crime, whether before or after charge. The capacity for such statements to prejudice the fair trial of any accused is well known.

176. Whilst Mr MacSporran QC acknowledged on both occasions that the merits of the case were yet to be determined, the expression of his/the CCC's views that: the Former Councillors' conduct "fits" the definition of fraud, that it "clearly" passed a threshold from civil to criminal, to describe the probationary process itself as dishonest and disingenuous and later, describing Ms Kelsey as a "poor woman" subject to "disgraceful" conduct by the Former Councillors in the course of the industrial proceedings was, at its lowest, gravely in error[117], in its prejudgment of the issues to be determined in the criminal and civil trials.

177. It is of great concern that the head of an agency such as the CCC would take the opportunity to make statements of this kind while civil and criminal proceedings are on foot.

[117] This was the finding of the Western Australian Supreme Court in respect of pre-trial statements made by investigators in *Western Australia v Rayney* (No. 3) [2012] WASC 404 at [692]-[693] per Martin CJ and Rayney v Western Australia (No. 9) [2017] WASC 367 at [165] per Chaney J.

Paragraph 176 of the extract from the Submissions referred to above references the conduct of the then Chair of the CCC as set out at paragraph 74 to 78 and set out below:

74. At 1.45pm on 26 April, Mr MacSporran gave a press conference about the charges, in which he named each of the Councillors charged, and relevantly said in respect of the charges:[89]

> *There is a significant public interest in these matters and that is the reason why I am taking the rather unusual course of conducting this press conference today...*
>
> *...I would like to provide a message to the rate payers and the community of Logan and to the many good staff members at Logan City Council. I would like you all to note that these allegations ... are not allegations against the Council per se, they are allegations against the currently suspended Lord Mayor and seven other Councillors. Today's news... will undoubtedly cause some turbulence for the Council and the community of Logan more generally. Whilst these allegations and the merits of the evidence will be tested in Court in the coming months, you as community members in Logan have the right to expect your leaders and/or elected officials will act with the highest level of integrity, transparency and within the bounds of the many laws that govern how Council and Councillors should operate. You deserve elected officials who put the needs of your community first...*
>
> *... they are very serious... The elements of that are that the Crown would have to prove that they acted together as it were, dishonestly, and that's dishonestly according to the objective standards of ordinary people... To*

cause in that case, a detriment to another person being Sharon Kelsey... the causing of her dismissal from Council. That fits, we think, and our charges confirm it. We think that fits the definition of fraud under the Criminal Code because the detriment to Sharon Kelsey was the loss of her not insignificant salary ...

... we draw the line [between civil and criminal] where the conduct merges into, passes into a threshold test of corrupt conduct and/or criminal conduct. Which this we say clearly did. The Industrial Relations Commission proceedings are entirely separate, there's a separate standard of proof. In fact in part of their proceedings, the Councillors who we have charged here, are required in under the reverse of the onus of proof, to show that they did not sack Kelsey for unlawful reasons. Those proceedings will be decided on the merits. Nothing to do with what we have done. Our proceedings aren't relevant to them, theirs aren't relevant to us.

... it's difficult to say [if there will be more charges], the investigation isn't yet fully complete ... but certainly, this would appear to be a most serious aspect to it that we closed off on.

.. the dishonesty... the probation process, that was a start of the sacking of Kelsey. To allege that he put in a place a check ... on her probationary period, quite disingenuously...

75. Again pausing in the history, this was the head of an agency that had investigated and itself laid charges making extraordinary public statements prejudging a criminal prosecution and prejudicing the standing of the Former Councillors in the community. The Chairperson recognised what was happening was "unusual". He should have recognised that it was (again, at best) obviously inappropriate.

76. After the charges, final submissions before the QIRC were adjourned and on 2 May 2019, the Council was dissolved and an administrator appointed. The QIRC proceedings were unsuccessfully sought to be stayed pending the criminal proceedings.[90]

77. On 10 October 2019, Mr MacSporran QC presented to the Institute of Public Affairs and Administration. During that presentation, he said as follows about this case: So he has been charged with corruption and perjury in front of our hearing and we uncovered also, and this is before the courts so they'll be deciding this in due course, he and his fellow councillors, the "Fab 7" he called them, and he's blocked the majority of councillors in his camp, got wind of the fact that this poor woman, Sharon Kelsey, the newly appointed CEO, came to me to report his misconduct. That then led to a campaign by him to have her sacked, which he's done. The last two years she's been fighting for reinstatement through the commission. The councillors are all funded by director's insurance or equivalent. Doesn't cost them a cent, they've taken every point. They've dragged it out for as long as they can. Sharon Kelsey as the CEO, has no support other than moral support and she's hanging by a fingernail while she tries to get a just outcome in all this. The courts will decide. We've charged the "Fab 7" plus the mayor with fraud based upon their disgraceful conduct, dishonest conduct and causing a detriment to her by sacking her without the proper reasons. And that will play out as you say.

78. This public commentary on a pending case by the head of the investigating and charging agency is another example of the pattern that was already emerging.

[89] Transcript of press conference held 26 April 2019, conducted by Mr MacSporran.

[90] Smith v Kelsey & Ors; Dalley & Ors v Kelsey & Ors [2020] QCA 55.

A full copy of the Submissions can be found here: https://documents.parliament.qld.gov.au/com/PCCC-8AD2/ICCCLCC-5502/submissions/00000027.pdf

2. THE BILL

I have concerns in relation to the Bill relating to the retrospective nature of it, the validation of past reports/statements and the broadness of the validation of past actions of the commission.

In particular, I refer to:

(a) s.471 of the Bill appears to:

(i) apply to a report, *information or a matter* involving an investigation *purportedly* published under former section 69; and

(ii) validate *any action* taken or decision made *by the Commission* in relation to the report *as if the commission had complied with* this Act and *any other law* applying in relation to the preparation and making of the report.

(b) s.472 of the Bill appears to validate *any statement* made to public about information or matter involving corruption deeming *any action* taken by the CCC as always have been valid and lawful.

The breadth of the retrospective deeming provisions of the Bill is extraordinary and of concern. There does not appear to be a justification for such breadth.

The appropriate question to be asked here is: *"Why should comments made about me by the chairman of the CCC, which I say have no basis (as the charges were dropped) now be deemed as a result of this Bill, valid and lawful.*

[redacted]

11/3/2025