

Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025

Submission No: 7
Submitted by: Trevina Schwarz
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Justice, Integrity and Community Safety Committee

Parliament House BRISBANE Q 4000

By email: JICSC@parliament.qld.gov.au

To the JICSC Chair

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

I am a former Councillor of Logan City Council in Queensland, whom was wrongfully charged by the Queensland Crime and Corruption Commission with Fraud.

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**).

I served my community and performed required duties whilst strictly abiding by the law and legislation. I was wrongfully and potentially unlawfully charged with fraud in the most public and demeaning manner by the most powerful and influential government organisation and Chairperson in Queensland.

BRIEF BACKGROUND

You may be 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) 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 and Appeals brought by the CEO.

SUBMISSION MADE TO PCCC SETTLED BY SAUL HOLTKC, PAULA MORREA & CHARLES MASSEY

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 error¹¹⁷, 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>

PUBLIC STATEMENTS BY THE THEN CCC CHAIR MR ALAN MCSPORRAN QC

On 26 April 2019 The Chair of the CCC Mr Alan MacSporran engaged in a notably extraordinary Media announcement, public comments were made irreparably prejudicing and prejudging the standing of myself and 6 former Logan Councillors in the community and abroad, whilst a Criminal charge was at foot. This Media announcement was viral, attracting national and international coverage.

A place I called home for over 30 years raising our family, I was now a household name as a dishonest Criminal.

Among some of the concerning commentary statements were made that we acted with “**dishonesty**” and “**quite disingenuously**”.. “*You deserve elected officials who put the needs of your community first.*” and further said, “*The actions of four Councillors who had called out allegedly improper behaviour were noted. They stood up and made public statements about what they perceived to be misconduct by others. They were themselves the subject of complaints, they were routinely criticised, publicly and privately, and it’s a fact...that people in those positions have a public duty to stand up and report misconduct. In that light, those facts speak for themselves about the role played by those other Councillors*”.

Statements made clearly displayed a favourably biased position towards those 4 Councillors he considered honourable and to a reasonable person would be perceived as congratulatory.

Additionally on 10 October 2019, Mr MacSporran presented to the Institute of Public Affairs and Administration, this conference was also broadcast on the internet. During that presentation, he said once again unjustly and wrongfully commented, “*We’ve charged the “Fab 7” plus the mayor with fraud based upon their **disgraceful conduct, dishonest conduct.***”.

Extraordinary comments made regarding the Former Logan Councillors should in no law, be acceptable or lawful.

QUEENSLAND GOVERNMENT INDEPENDENT INQUIRIES

There have been three extraordinary independent parliamentary inquiries stemmed from the CCC's catastrophic failure in the Logan case.

I am not confident that this committee has reviewed and taken into consideration the findings and content of the following Inquiries and would urge the committee to consider the CCC's serious failings found in these Inquiries.

1. **PCCC Report 2 December 2021 No 108: Inquiry into the Crime and Corruption Commission's investigation of former Councillors of Logan City Council; and related matters, & Volume of Additional Information**

This report concluded with 14 serious findings and 6 recommendations to reform the CCC.

Counsel Assisting recommended additional findings which the Committee did not take up in their final report. The Volume of Additional Information should be read in conjunction with Report 108.

Counsel Assisting Dr Horton said the committee could consider recommending to the Queensland Parliament that Mr Alan MacSporran's tenure be terminated. This travesty of justice in this report is very telling and will never leave the haunts of the Logan 7.

2. **Commission of Enquiry relating to the Crime and Corruption Commission. August 2022**

This Inquiry produced 32 recommendations to reform the CCC.

3. **Independent Review into the Crime and Corruption Commission Report on the Performance of its Corruption Functions. May 2024**

This Inquiry and subsequent report produced 16 recommendations to bring about reform in the CCC.

THE BILL

CRIMINAL OFFENCE SECTION 214

The Bill expands the existing criminal offence in section 214 of the CC Act (Unauthorised publication of commission reports) to ensure the confidentiality of certain restricted information.³⁴ This information includes draft commission reports or draft public statements or any evidence and other information or material relating to a draft report or draft statement. The offence is proposed to carry a maximum penalty of 85 penalty units or 1 year's imprisonment, which aligns with similar existing offences under the CC Act. 35 The offence will not apply where the person has a 'reasonable excuse'.

It was found in the PCCC Inquiry Report 108 that confidential/restricted information was used illegitimately. I raise concern with the broad wording of 'reasonable excuse' and if the serious issues discovered in the Logan matter could be made inadvertently appropriate due to this broad phrase.

SERVICES OF NOTICES BY EMAIL

Section 85AA into the CC Act to enable the CCC to serve particular notices on people by email. Subsection (3) requires the chairperson, or their delegate,³⁷ to consider, for each notice, the appropriateness of giving it by email and the scope of the person's consent for sharing their email address.

I would like to alert the committee that the CCC continuously used a retired email address in my instance even post been advised of such.

ENGAGEMENTS OF AGENTS

The CCC is empowered to engage suitably qualified persons to provide it with services, information or advice.⁴⁰ Under the current law, the CCC may only do so to meet temporary circumstances.

The CCC has advised that this temporal limitation is unnecessary.

The Bill will therefore remove this requirement.

Previous Inquiries have found culture issues to be within the CCC, by removing this limitation it may impact the integrity and culture of the CCC that the previous Inquiries and extensive works have attempted to protect and rectify.

BILL S 471 & S 472

I have concerns in relation to the Bill and particularly 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.

The Bill Explanatory Notes (Page 7)

Clause 30

The Bill adversely affect rights and liberties retrospectively by validating the past preparation, publication and tabling of reports and the past making of public statements. The adverse impact on rights arises from the fact that reports or statements contain damaging content that impacts a person's rights and, in some circumstances, may give rise to a cause of action, for example an action in damages for defamation.

New sections 471 (Validation of past reports) and 472 (Validation of past public statements) provide that past reports and statements, and any related action taken or not taken, or decisions made or not made, by the CCC, are taken to be, and to have always been, valid and lawful. These validation provisions provide certainty and legal protection to the CCC and its officers.

The extent of ongoing impacts on a person's rights, and the likelihood of a successful cause of action still being available, are likely to be significantly diminished. Any adverse impacts on individual rights arising from the proposed validation provisions are therefore considered reasonable having regard to the nature of these impacts. The benefit of ensuring transparency in relation to past reports and public statements and the desirability of giving certainty to the actions of the CCC and its officers that were considered to be lawful at the time justifies any departures from this fundamental legislative principle.

My reading is that this Bill is attempting to retrospectively validate *all/any* comments made by the CCC as valid and lawful.

This Bill potentially attempts to validate the comments made by the then Chair of the CCC as not only acceptable but valid and lawful.

On the surface it appears that this Bill is an attempt for the Queensland Government to knowingly *retrospectively* protect itself from previous irreparable and prejudicial commentary unjustly made by the CCC. The Queensland Government is well aware of proceedings at foot in this regard.

This Bill seeks to undermine the legislation retrospectively, adversely affecting the rights and liberties of a person.

"The CCC does not make any findings of corrupt conduct, determine guilt or take disciplinary action". The Chair clearly made disparaging public commentary determining guilt, *"We've charged the "Fab 7" plus the mayor with fraud based upon their **disgraceful conduct, dishonest conduct.***

*The Bill provides an explicit power for the CCC to make a statement to the public about a corruption matter in the way the CCC "**considers appropriate**".*

I do not feel it is best practice to exercise broad parameters in legislation, Bills, laws when such as *"considers appropriate"*.

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.*

I am most willing to make myself available to the committee to appear or respond to any queries they may have, including providing material and submissions that may be of assistance.

Kind regards

Trevina Schwarz

Trevina Schwarz

M: E: P: provided to committee

Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025

Submission No: 7
Submitted by: Trevina Schwarz
Attachment One: Submission to the Parliamentary Crime and Corruption Committee's inquiry into the Queensland Crime and Corruption Commission's investigation of former councilors of Logan City Council and related matters (2021)

26 July 2021

Parliamentary Crime and Corruption Committee
Parliament House
BRISBANE QLD 4000

By email: pccc@parliament.qld.gov.au

To the PCCC Chair Mr Jon Krause

INQUIRY INTO THE CRIME AND CORRUPTION COMMISSION'S INVESTIGATION OF FORMER COUNCILLORS OF LOGAN CITY COUNCIL MATTER AND RELATED MATTERS

CONCERNS CCC & COUNCILLOR CONDUCT

I am most appreciative of the Parliamentary Crime and Corruption Committee initiating the inquiry into the Queensland CCC's investigation of former Councillors of Logan City Council and related matters. I am further appreciative of the LGAQ and lodging of their complaint to the PCCC.

Unless otherwise stated my submission refers to the 7 former Councillors namely Jennie Breene, Cherie Dalley, Russell Lutton, Phil Pidgeon, Laurie Smith, Steve Swenson and myself and excludes commentary or opinion relating to the former Mayor Luke Smith.

CCC Actions

The CCC forwarded an email to all Councillors dated 5 February at 4.55pm.

The Chairperson Alan MacSporran articulated he strongly recommends any resolutions voted on by Council in relation to this, or an other motion, be carefully considered in light of the above matters and that you each seek independent advice as appropriate. The CCC investigators alleged no such legal advice was obtained by the aligned Cr's.

This email was received, 5 minutes before close of business, which accordingly allowed 1 business day before the vote to engage and receive independent advice.

Did the CCC not consider the multitude of legally privileged meetings some 16 in total that Councillors had with highly professional legal experts on this matter?

The vast majority of these meetings were with Tim Fynes-Clinton from King and Co who is highly considered in Local Government matters. Further, Council engaged Barrister Andrew Herbert recommended for his expertise and considered well versed in industrial law matters.

Did the CCC believe these highly renowned legal experts were not qualified or competent? Why did the CCC state such a recommendation with the knowledge that these persons were advising Councillors at such extensive meetings?

I considered as a reasonable person that this letter from the CCC dated 5 February and the letter from Minter Ellison on the 6 February stating Sharon Kelsey's intention for legal action against us personally if we were to dismiss her, to be a direct threat and intimidating. I feel the letters are inappropriate and unethical.

These letters were petrifying and forced me to anxiously choose between surrendering to intimidation and persecution or, consider the extensive legal advice and act on what I swore on oath and was elected to do.

The CCC Chair stated in his media release that this investigation namely, “Operation Front” is one of the most significant investigations the agency has ever carried out.

The evidence suggests on many occasions that the CCC’s investigation was not objective and did not follow fair and unbiased investigation processes. Rather, the CCC executed their prosecution on mischievous hearsay and baseless allegations.

The CCC in their intensive investigation did not extend their duty to validate other parties’ statements including Ms Kelsey and the 5 Councillors namely, Councillor Lisa Bradley, Councillor Laurie Koranski, Councillor Stacey McIntosh, Councillor Darren Power and Councillor Raven, to ensure their destructive accusations and unsubstantiated statements were factual and truthful.

From my reading of the CCC’s own guidelines, the CCC have breached these guidelines and have not applied their own processes to this investigation.

Why would the most powerful and influential government body in Queensland not comply with their own guidelines and processes and ensure their investigation is performed thoroughly and without bias and partisan opinions.

The extraordinary efforts of the Chairperson of the CCC to approach the State Government on behalf of Ms Kelsey requesting financial support for a civil industrial relations action raises additional concerns.

The CCC has carried out an inequitable and prejudiced investigation resulting in very serious and life changing Criminal charges.

Inconsistent Treatment

It was alarming in the proceedings that it was revealed 5 Councillors namely, Councillor Lisa Bradley, Councillor Laurie Koranski, Councillor Stacey McIntosh, Councillor Darren Power and Councillor Jon Raven had engaged in the very same conduct or far worse conduct that we were accused of and wrongfully charged for by the CCC.

These self appointed “Whistleblowers” that the CCC used as star witnesses in their case admitted in the court to:

- formed alliances;
- lying;
- attempting to change votes;
- conducting secret meetings offsite and at personal residences; and
- using a private messenger application to communicate and deleted those messages.

Yet the CCC were on the one hand willfully blind to these Councillors’ actions but on the other attempted to use this flawed premise to prosecute their case against us.

Why did the CCC not investigate the well known strong alliance formed between these 5 Councillors and the allegations of misconduct?

The CCC and the Chairperson has not acted impartially in this matter and has failed to investigate the validity of the allegations by Sharon Kelsey and the 5 Councillors.

Had they done so they would have uncovered that much of the allegations were fictitious and politically motivated for self promotion at the expense of innocent people.

Public Statements

The Chairperson, Alan MacSporran delivered a media release on the day we were charged namely, 26 April 2019. The Chairperson stated this would be the only occasion he would be speaking about the matters.

Contradicting his statement in this announcement that he would not comment on the Logan Matter before the courts, it was discovered the Chairman had publicly exploited our conduct as *disgraceful and dishonest* on 10 October 2019 at the Institute of Public Affairs and Administration conference among additional concerning commentary. These alarming public remarks displayed the Chairperson's very strong partisan stance.

How many other events has the Chairman directed public disparaging and defamatory comments towards the 7 Councillors?

The CCC's actions and intentional public commentary has not permitted the 7 Councillors to receive public fairness and natural justice.

On the day of the charges The Chairman, Alan MacSporran delivered an "unusual" media announcement followed by responding to questions from journalists.

Among some of the concerning commentary he stated, *"You deserve elected officials who put the needs of your community first."* and further said, *"The actions of four Councillors who had called out allegedly improper behavior were noted. They stood up and made public statements about what they perceived to be misconduct by others. They were themselves the subject of complaints, they were routinely criticised, publicly and privately, and it's a fact...that people in those positions have a public duty to stand up and report misconduct. In that light, those facts speak for themselves about the role played by those other Councillors"*.

Statements made at the very commencement of public commentary by the CCC Chair displayed a favourably biased position towards those he considered honorable and a negatively biased position towards those he considered criminal.

The comments regarding the 4 Councillors to a reasonable person would be perceived as congratulatory.

Was the same prejudice exerted by the CCC in their correspondence and discussions with the DPP, PCCC, Minister Hinchliffe and the State?

The Minister for Local Government, Stirling Hinchliffe announced in parliament the sacking of the Logan City Council, *that he has a CCC report for the move of supporting the 4 Councillors as a management committee,...that will allow me to then consider what the options are in order to ensure that the residents of Logan City get the Service delivery and, the representation that they deserve.*

The Minister established Logan's Interim Management Committee on 14 June 2019, the 4 former Councillors, Lisa Bradley, Laurie Koranski, Darren Power and Jon Raven were appointed. This

appointment positioned the 4 former Councillors for their campaign leading into the 2020 Local Government Elections.

Use of WhatsApp

Many organisations including government use WhatsApp as a communication tool. In March 2015 it was widely publicised that Former Prime Minister Malcolm Turnbull used applications such as Wickr and WhatsApp.

For a short time up to late December /early Jan I was engaged in WhatsApp. I did not delete the messages on WhatsApp, I removed the application from my phone and therefore to my understanding the messages can easily be recovered on that account. I felt I was much too busy to monitor another communication platform that I deemed unnecessary.

Although a minor portion of the messages aired concerns and frustrations about Sharon Kelsey it was proven there was absolutely no discussion of the PID.

The 5 Councillors declared they used a private messenger application to communicate with each other at this time and these Councillors admitted they deleted those messages.

The CCC Chairperson stated at a "Redlands Forum CCC Alan McSporran QC". *"Messaging applications, you know, if you're a Councillor, someone you've elected, why are they using encrypted messaging apps, unless its to avoid scrutiny of what they're talking about in the messages, and criminals do this routinely. ... so, people in council who are using those sort of methods of communication would, at the very least, create a perception that somethings not right, and that needs to be reported and avoided."*

The CCC's case significantly focused on the fact that 7 Councillors were communicating as a group in WhatsApp, yet the admission of the 5 Councillors stating they used a communication application tool during this time to plan their coordinated political response, and then deleted those messages, was never scrutinised by the CCC or investigated. Why?

Why did the CCC not produce a notice to discover for the 5 Councillors mobile phones?

My QP9 goes so far to state, *"the participants can be observed to utilise the covert communication medium to drive social engagement and favoritism with aligned Cr's only and create an exclusive culture of camaraderie and consultation"*. I believe the CCC's statements on opinions in this paragraph are very far reached and states assumptions that can be read in a way as fact, I completely disagree with these CCC statements. Additional lengthy paragraphs go further to reinforce the CCC's biased assumptions.

How is it that the CCC's opinions and findings by stark comparison are so strong surrounding the 7 Councillors' utilisation of WhatsApp yet the 5 Councillors engaged in the same activity using a closed private messenger application in which they deleted the messages and that is not considered of interest?

I received a letter from the CCC dated 13 May 2019, 11 business days after I was charged.

In relation to the allegation that you disposed of public records without appropriate authorisation, I am of the view there are sufficient grounds for consideration of criminal proceedings for contravention of section 13 of the PR Act. This allegation is substantiated.

However, a criminal prosecution for the offence under section 13 of the PR Act must be commenced within twelve months from the date the public records were disposed. The CCC has formed the view that a criminal prosecution would be unsuccessful in this case because the forensic examination of your mobile device could not ascertain the date when the WhatsApp communication was deleted.

CCC investigators also considered whether you knowingly damaged the WhatsApp messages/chats with intent to prevent them being used in evidence in the Queensland Industrial Relations Commission (QIRC) proceedings. I have considered the evidence gathered and am of the view there is insufficient evidence for consideration of criminal proceedings under 129 of the Criminal Code (Qld).

Despite this, I am of the view your conduct may amount to misconduct as defined in the Local Government Act 2009 (LG Act). I have forwarded a copy of our investigation report to the Office of the Independent Assessor (OIA) for their consideration and action.

A letter was received from my Solicitor Terry O’Gorman 21 May, 2019.

Ms Florian who is the Assessor has agreed that the CCC’s recommendation to have you prosecuted for misconduct under the Local Government Act will be put to one side pending the resolution of the criminal matter and at that time a decision will be made whether it is in the public interest to proceed with the prosecution.

Ms Florian advised that the relevant criteria that she will apply at that time is if you are acquitted and you show an intention to return to local government by standing for the 2023 local government elections she will make a decision at that time as to whether misconduct proceedings will be brought against you.

These two letters alone articulate the vivid disproportion of judgment by the CCC and thereafter the Independent Assessor whom the CCC Chair states they work closely with.

CCC’s intervention into Council Policy

Whilst I was Treasurer at Logan Council, it was advised that Logan Council was required to update the Council’s policy for “Complaints received about the CEO”. Unusually there was a requirement that this had to be approved by the CCC prior to Council adopting. A draft policy was presented to the City Treasury Committee for the Councillors’ review and input.

As I together with Council was always striving to achieve best practice in the government industry we chose to insert a paragraph that if complaints are received surrounding the CEO they are to be provided to an external independent party to determine the process of the complaint.

The reason for this was to ensure that a subordinate staff member was not placed in the untenable position of making a decision or recommendation or verdict on their boss. This would also strengthen attempts to remove any avoidable influence intimidation or systemic corruption. As there were very minimal complaints in this regard the financial impost to Council was insignificant and did not require a budget amendment or enhancement.

This recommendation was accepted unanimously and was supported by the Acting CEO and Director. This addition to the policy was sent to the CCC for their approval which the CCC subsequently refused.

The policy was presented on a second occasion to City Treasury Committee with the advice of the CCC’s decision. Councillors again strongly supported this inclusion and felt this was best practice and should be accepted as an industry standard for Councils across Queensland.

It was requested that the Acting CEO write directly to the CCC Chairperson Alan MacSporran requesting this inclusion. Once again the CCC denied the inclusion. I was advised that the CCC considered this was a waste of ratepayers' money and would not approve of this inclusion to limit potential corruption and protect staff.

I remain confused as to the CCC's stance in this instance and can only see this refusal as double standards.

At very strategic periods and on a number of occasions it appeared the CCC has improperly intervened and attempted to inappropriately and unjustly influence the QIRC proceedings. These attempts were not only executed at the court but records were delivered to legal representatives and Logan Council. These documents contained sensitive information obtained by CCC coercive investigation powers.

I was of the belief that information received by the coercive powers of the CCC was unable to be introduced for the benefit of civil legal proceedings however the CCC were repetitive in their determination to have this disclosed for the availability of assisting the civil proceeding.

Loss and destruction of mobile phones

Several Councillors were concerned with the odd activity surrounding the operation of mobile phones. This timing oddly occurred prior to receiving notices of discovery from the CCC.

Councillor Koranski claimed her council mobile was faulty and requested a replacement and the council mobile to be destroyed. I believe the council officers refused Councillor Koranski's request. She then demanded in a council committee meeting for council to destroy this mobile phone.

Councillor Stacey McIntosh claimed her vehicle was allegedly broken into and her laptop and council mobile phone was stolen.

Councillor Bradley said she was no longer contactable on her mobile number anymore as she will not be having it any longer.

Councillor Pidgeon and myself considered these actions collectively were bizarre and concerning. Together we engaged in a meeting with the former CEO Sharon Kelsey and requested that she investigate the sudden activities surrounding changes and requests of mobile phone replacements and furthermore the extraordinary demand for destruction.

As both Councillor Pidgeon and myself found Ms Kelsey to be non-interested and dismissive about this request Councillor Pidgeon followed up with Ms Kelsey via email. We did not receive any response for an investigation about these requests from Ms Kelsey.

Councillor Pidgeon also requested a response from the CCC into this activity at a later date. To my knowledge this too has not attracted a reply or investigation.

Misrepresentation of facts

Some of the other Councillors in their sworn affidavits deliberately cherry picked statements from their secret recordings in a deliberate attempt to contrive a wrong impression of what was said.

If one studies the full context it would be seen that this was a calculated and intentionally deceptive action.

These deceitful tactics were not only in the QIRC affidavits but also made their way into the CCC Prosecution Statements by these witnesses.

There are numerous occasions of this occurring. One instance of this is Councillor Power stating the budget was favourable to the 7 Councillors which is absolutely untrue. Yet Councillor Power voted in support of this budget. I am perturbed that such a serious and objectively false accusation was able to be made and used against us with a complete absence of any supporting facts and verification or investigation.

It became evident that this allegation was completely false and the evidence of proof was easily obtainable.

Rather than running a criminal case based on the 'feelings' of a disgruntled local government politician, why didn't the CCC take steps to review the budget and determine if the facts actually backed up Cr Power's feelings.

The Acting CEO Silvio Trinca and the Administrator Tamara O'Shea investigated this claim, which was also received by Council in the form of a complaint by The Logan Ratepayers Association and found there was absolutely no substance to support their vexatious claim.

Behaviour of other Councillors

The activities of the CCC's star witnesses included, but is not limited to; a Councillor admitted to lying in one or more meetings and he considered this to be acceptable; another Councillor caught lying in a meeting; covertly recording Council's legally privileged meetings and allowing persons not party to these discussions to hear the recordings; covertly recording conversations with Council staff; a Councillor refused to comply with a notice of discovery and would not hand over her notes or covert recordings unless she received \$10,000 for the release of the information, which I do not believe was ever provided to the QIRC.

The 5 Councillors took to multiple media avenues, social media platforms, community events and functions and community organisations to gain their public support. They made public accusations and defamatory statements both pre and post the charges of the 7 Councillors.

The Councillors in their capacity attended Council events and functions alongside the recently dismissed CEO Sharon Kelsey in a bold and brazen parade of their alliance. This was an intentional display to be both damaging and tormenting. These platforms were used to publicly defame and shame us.

The 5 Councillors' similar antics were engaged prior to the day of the CEO's dismissal.

All of this, whilst we were strictly required to remain silent as the other Councillors gloated and flaunted their accusations freely.

Some of these Councillors prior to the dismissal found an audience with the Logan Ratepayers Association. This group in its inception was largely made up of several historical disgruntled ratepayers known to Council and staff. The CEO upon her dismissal engaged with this community organisation as an avenue for a larger voice to publicly protest against her dismissal.

The 5 Councillors self proclaimed and presented themselves as “Whistleblowers” and, “Saving the City”. They used this tag line not only prior to the 7 Councillors been charged, but also during the time they were appointed on the Ministers Logan’s Management Committee. They held this tag into their successful election campaign in 2020.

I feel that regardless of our innocence the 5 Councillors were successful in their ultimate ploy in having the 7 Councillors dismissed and courtesy of the CCC’s favourable treatment of them in having them appointed to the Management Committee they were given a huge advantage for their eventual re-election while the 7 effectively acquitted Councillors have lost their careers, livelihoods and good reputation.

Kind regards



Trevina Schwarz



Crime and Corruption (Restoring Reporting Powers) Amendment Bill 2025

Submission No: 7
Submitted by: Trevina Schwarz
Attachment Two: Confidential