

From: [REDACTED]
To: [Legal Affairs and Community Safety Committee](#)
Subject: Robina Cosser : Submission : Crime and Corruption Amendment Bill 2015
Date: Thursday, 21 January 2016 4:46:25 PM

Mr Mark Furner MP,

Chair, Legal Affairs and Community Safety Committee

Parliament House

George Street

Brisbane Q 4000

Dear Mr Furner,

With reference to your consideration of The Crime and Corruption Amendment Bill 2015.

This submission is based on my personal experience of making a Crime and Misconduct Commission (CMC) / Education Queensland disclosure.

(Further details of my disclosure and Freedom of Information (FOI), now called Right to Information, references can be found on <http://www.badapplebullies.com/myowntruestory.htm>)

I may have a better understanding than most laypeople of the CMC / Education Queensland investigation process because I made extensive FOI and Office of the Information Commissioner (OIC) applications to try to find out what was really "going on" in my own case.

My submission relates to the following key objective -

- * Reinstate the CCC's corruption prevention function (restoring provisions to how they were prior to the changes made by the LNP Government in 2014) to enable the CCC to help units of public administration to deal effectively and appropriately with corruption by increasing their capacity to do so.

This key objective seems to suggest that there is a need to return to a time, under the previous Labor Government, when the CCC (then called CMC) had a corruption prevention function.

My experience suggests to me that -

a) the CMC did not, under the previous Labor Government, have a corruption prevention function.

b) the expectation that departments will investigate their own corruption and "build their own capacity" to prevent their own corruption is unrealistic.

It facilitates systemic corruption.

In August 2001 I disclosed to the Queensland Director-General of Education that there was systemic abuse of the Diminished Workplace Performance Process (now called the Managing Unsatisfactory Performance (MUP) process) to abuse classroom teachers and to drive them into ill health and out of work.

No effective action seemed to be taken in response to my disclosure.

The abuse of the MUP continued and a deputy-principal working at the school next to my own eventually suicided after experiencing repeated abuse of the MUP process.

I now suspect that what I thought was a shocking disclosure was, in fact, the informal CMC / departmental policy.

Queensland school principals seem to be informally allowed to abuse the DWP/MUP process because -

* it is quicker and easier for a principal to threaten teachers with the MUP process than to deal with poorly behaved children and run the risk of having to deal with their unreasonable, irrational or violent parents.

* if the principal threatens the teacher with the MUP process just before the school holidays, there is a good chance that the teacher will become ill, go on sick leave, ask for a transfer, resign or suicide. This saves the principal the bother of completing the paperwork necessary to complete a formal MUP process. It also means that there is no official record of the teacher being threatened with the DWP process.

* classroom teachers cannot complain - the Queensland Teachers Union (QTU) simply advise teachers to "accept the things that cannot change" because they have never known a teacher's Grievance to be upheld.

How the CMC / Education Queensland corruption prevention function was "set up" to fail Queensland teachers under the previous Labor government.

A) The Queensland Department of Education training has an

oral culture.

- * principals do not need to demonstrate any ability to read and comprehend departmental policies before they are promoted.

Nor do they need to demonstrate any willingness to apply those policies to their own behaviour.

- * a newly-appointed principal can ring a Regional Office to ask advice on how to put a classroom teacher on MUP.

The principal is not instructed to read the MUP policy. They are given an oral version of the MUP policy.

- * so a classroom teacher with outstanding qualifications may discover, after making an FOI application, that they have been put on MUP by a principal with all the knowledge of the MUP process that can be contained on a small yellow sticky-note.

(This oral culture problem seems to permeate Queensland government departments and the CMC. If you receive a decision full of ridiculous new allegations and make an FOI application for the documentary evidence to support these new allegations, you may be advised that the officer concerned cannot remember why he wrote what he wrote, "somebody probably told him", or that some other officer wrote the decision and that officer has now left the department and destroyed all of his documentation, etc, etc.)

B) If the classroom teacher tries to follow the Grievance process, the principal involved in the abuse of the MUP is allowed to investigate him / herself.

This allows -

- * the principal to keep his / her allegations vague and verbal, so that the allegations can be continually changed until an allegation is found that the classroom teacher cannot disprove.
- * the teacher to be repeatedly threatened or "warned" not to continue to complain about the abuse of the MUP process.
- * the official records of the reason for the teacher's Grievance to be falsified
- * "records" of new allegations concerning the teacher to be extensively falsified and inserted secretly onto the teacher's official records. The teacher can only receive copies of these "records" under FOI - when many months or even years will have passed. All of the names in the FOI "records" will have been deleted. This makes it very difficult for the teacher to understand the new allegations and to prove that the

allegations have been falsified.

* the principal to allege that the Queensland Teacher's Union (QTU) officer has made statements that are damaging to the teacher - and to put this allegation on the teacher's official records.

(A QTU officer seems to be powerless in the situation because the union have a policy that they will not support a member who is in conflict with another member. So the QTU officer may tell the teacher that the principal is misrepresenting the situation, but he cannot put this in writing. QTU membership can, in this manner, be abused by a principal as a weapon to harm a teacher.)

Meanwhile, the teacher is isolated. They are instructed by the principal that they can only discuss the situation with the QTU officer. And that the QTU officer is lying to them and about them.

Nobody - neither the staff welfare officer nor the QTU officers - advises the teacher about their right to to make a Grievance, a WorkCover complaint, etc.

C) If the teacher follows the departmental policy and makes a systemic disclosure directly to the Director-General of Education, the systemic disclosure is sent back to the Regional Office.

Senior departmental officers do not seem to understand / follow their own departmental policies.

D) The member of the Regional Office staff who has given the principal the oral version of the MUP policy prepares a "Briefing For The Minister" which falsifies the reason for the teacher's disclosure.

The officer's own conflict of interest in the situation is not disclosed.

This is the Key failure of the MUP / CMC investigation process.

This misleading "Briefing For The Minister" is used as a basis for all future responses to the teacher's disclosure.

And the teacher becomes trapped in a process that *can* only lead in one direction.

E) On the basis of this "Briefing For the Minister", the Premier and all senior departmental officers agree that no departmental officer will respond to the teacher's communications.

This later becomes an instruction that no departmental officer is even to read the teacher's emails - the teacher's emails are to be automatically filed.

So, when the teacher eventually receives the FOI documents and discovers that her official records have been extensively falsified, no departmental officer can be held responsible for reading the emails in which the teacher reports that her official records have been extensively falsified.

F) CMC officers may respond inappropriately when the teacher contacts them -

- * they may speak to the teacher in a harsh, discouraging voice, making the teacher feel that the CMC officer cannot be trusted

- * they may advise the teacher that there is no point in making a disclosure because there is no person in a position of power is going to respond

- * they fail to read and to comprehend the teachers' written disclosure. CMC officers seem to base their decisions on the first few sentences of a written disclosure.

- * they may falsify their records of the teacher's verbal disclosure.

(I rang the CMC and disclosed a political situation, a (second) serious conflict of interest, that seemed to be impacting on the investigation into my case. This Conflict of Interest concerned members of the Labor Party. I later discovered under FOI that the CMC officer had reduced my verbal disclosure to gibberish.)

- * then the CMC officers agree with each other to rush the teacher's disclosure back to the department "for obvious reasons".

G) The department conduct a faux investigation.

The department advise the CMC that they are going to conduct an independent investigation into the case.

For many months (possibly forever) the official CMC records continue to

show that there will be a departmental investigation and that it will be an independent investigation.

But the department very quietly change the investigation into a "review", so that -

- * no questions can be asked about the conflict of interest on political grounds (which would be radiantly obvious to every senior officer in the Regional Office)
- * the review findings will be based entirely on a) the falsified official records and b) a falsified version of the teacher's disclosure

(The reviewer only seems to be allowed to read the cover letter and the first page of the teacher's disclosure. The next eight pages of the disclosure are "lost" and the remaining pages are jumbled up with other documents).

- * and, although the department employ an army of well-qualified barristers and solicitors, they choose to use a junior Aboriginal employee with no qualifications in law, psychology or education to conduct the review.

This employee may struggle with standard English. He may be "in training". He may be supervised by one of the senior officers that he is supposed to be investigating.

H) If the teacher continues to protest, the department eventually employ a firm to conduct an "independent" investigation.

(OIC officers refused to release most of the documents from the investigation into my own disclosure to me, so my understanding of this part of the process is limited.)

- * The external investigator may be closely controlled at every stage of his investigation by one of the senior officers named in the teacher's disclosure.

- * FOI officers may "lose" the first twelve documents (including several falsified "records") that were secretly stored with the report into the teacher's Grievance investigation.

They then reverse the order of the documents in this file and put new numbers on the bottom of the documents.

This conceals from the investigator the fact that the first twelve documents have been "lost" from this file.

The changed page order and page numbers also make it very difficult for the investigator to understand the document references in the

teacher's disclosure.

* By now the department has delayed the investigation for several years, so the departmental officers being investigated can claim that they cannot remember the reasons for their behaviour towards the teacher because "it was all so long ago".

* The investigation process allows the officers being investigated yet another opportunity to change their allegations or to introduce new allegations into the teacher's official records.

The teacher has no opportunity to respond to these new allegations.

* The investigation may be stopped after a minor allegation has been substantiated. More significant allegations may not be investigated and so they can be said to have "not been substantiated".

* The investigator may advise that disciplinary action be taken - but the Director of Ethical Conduct may disregard this advice. He may simply choose to *thank* the school and Regional Office staff for their co-operation with the investigation.

I) CMC officers continue to respond inappropriately when the teacher contacts them.

* they advise the teacher that they have been instructed not to discuss the case with the teacher. And that all of the teacher's documents are with a senior officer - but, when the teacher speaks to this senior officer, she very clearly knows nothing about the case.

* the junior CMC officers advise the teacher that the senior CMC officer will simply receive a report from the department, change all the "she's" into the report into "you's", then forward the report to the teacher. And that this will be the extent of the CMC "supervision" of the departmental process.

And this seems to be what happens.

I) The Parliamentary Crime and Corruption Commission Committee members do not read the teacher's emails protesting to them about the failure of the CMC / departmental investigation process.

The PCMC members' office staff are instructed to automatically send any protest concerning the CMC directly to the CMC.

The CMC write a report on their own conduct of the case.

The PCMC read the CMC's report on their own conduct of the case at a

busy meeting.

And they accept the CMC's findings concerning their own conduct of the case.

The MUP process continues to be abused and, a few years later, another teacher suicides after experiencing repeated abuse of the MUP process.

How to raise standards of integrity and conduct in the Queensland Department of Education.

The investigative burden on the CCC would be significantly reduced if the Queensland Department of Education -

- * required all teachers (principals, Regional Office and Head Office staff) to demonstrate a capacity to read departmental policies,
- * required all teachers to demonstrate a capacity to apply departmental policies to their own behaviour *before* they are allowed to take up an "acting" position, or to apply for promotion,
- * *demonstrated* that there are consequences for principals, Regional Office and Head Office staff who fail to follow departmental policies,
- * began the official records of the Grievance process with a clear statement of the teacher's grievance *in the teacher's own words*,
- * required departmental officers who write "Briefings For the Minister" or similar documents to include a statement that they -
 - a) understand the concept of conflict of interest,
 - b) have no conflict of interest in this situation, and
 - c) are aware of no other conflicts of interest that may be impacting on the situation.
- * required all officers who write these reports / briefings etc. to list all of the documents that were used in preparing their report.

- * required a copy of each of these documents to be filed with the report.
- * stopped abusing junior Aboriginal employees with poor qualifications and limited standard English skills by using them to conduct faux "reviews".
- * stopped allowing departmental officers to investigate themselves.

This policy is not working.

Departmental officers are not "building their own capacity" to prevent their own corruption.

This policy encourages and facilitates corruption.

- * And if the Queensland government allowed classroom teachers to have their own union.

The current situation (Head Office staff, Regional Office staff, principals and classroom teachers all forced to be members of the same union) renders classroom teachers vulnerable to abuse because the QTU has a policy of not supporting a member who is in conflict with another member.

How to raise standards of integrity and conduct in the Queensland CCC.

- * record all telephone communications with CMC officers.
- * prepare typed copies of these records.

I would support a requirement for all CCC complaints to be made by statutory declaration because I believe this would make it more difficult -

- * for a principal to make a false claim that a parent or a child had made a disclosure concerning a teacher.
- * for a CMC officer to falsify the records of a disclosure.

There is need for continuous, *independent* research into -

- * the MUP process.

Are teachers still being threatened with the MUP as "payback" for being well qualified, being more skilled on computers than the principal, disclosing child abuse, disclosing financial problems at the school, discussing the numbers of children missing from classrooms, etc.?

Are teachers still being threatened with the MUP before school holidays?

Are falsified "records" still being secretly placed on teachers' files to justify abuse of the MUP?

Are Regional Office staff still giving "rookie" principals sticky-note versions of the MUP process and encouraging these "rookies" to put classroom teachers on MUP?

Are Regional Office staff still being allowed to conceal their own conflicts of interest when they write "Briefings For The Minister"?

* the Education Queensland promotion system.

Can principals read departmental policies? Comprehend the policies? Apply them to their own behaviour?

Who is being promoted? Who is not being promoted? Why? Are principal promotion panels free of political / gender / union activist bias? Conflict of Interest?

* the departmental / CCC disclosure process.

What are teachers disclosing?

Are their disclosures being independently investigated?

Are their disclosures being substantiated?

* consequences.

Is the department demonstrating that there are consequences for corruption?

How?

Has departmental corruption been reduced?

My experience leads me to suspect that this process of continuous, *independent* research would raise departmental standards of equity and conduct.

I would suggest that all staff (numbers) employed in Queensland government Ethical Conduct departments be re-allocated to an *independent* agency - possibly a Federal Agency - responsible for

conducting independent investigations into public service corruption.

I would like to congratulate the Queensland CCC and the Queensland Police on their handling of the recent disclosure of nepotism at Runaway Bay Sports Centre.

Robina Cosser MEd (SYD).

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