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To: [Legal Affairs and Community Safety Committee; cosser@optusnet.com.au](mailto:cosser@optusnet.com.au)
Subject: Robina Cosser, Vice-President, Whistleblowers Australia.
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The Chairperson,
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Chair,

Crime and Misconduct and Other legislation Amendment Bill 2014

I am a whistleblower. From August 2001 I made repeated disclosures to the Director-General of Education, the CMC, etc. concerning the abuse of the Education Queensland Diminished Workplace Performance Process (DWP) and the Grievance Process to abuse Queensland teachers and to drive them into ill health and out of work.

In January 2009 most of an "independent" investigator's 2006 investigation into my disclosure was refused to me under Freedom of Information. From the fragments of the investigation report that were released to me, I discovered that the independent investigator had recommended that disciplinary action be considered - but that a senior officer in the department had responded to this recommendation by directing that letters should be sent to the Education Queensland officers engaged in the corruption / misconduct, *thanking them for their patience during the investigation process*.

In mid-2010 a teacher at a school [REDACTED] made a WorkCover complaint concerning workplace bullying and abuse of the DWP process at his school. He reported that several teachers at his school were on sick leave or unpaid leave because of workplace bullying. WorkCover and the department refused to investigate the situation. The department allowed the teacher a transfer to a school in another region. This school also had a long history of substantiated workplace bullying and DWP-abuse complaints.

Six months later the teacher suicided.

I believe that this teacher would not have been driven to suicide if my own 2001 disclosure had been dealt with properly.

Based on my experience of corruption and of the PCMC / CMC / Education Queensland investigation process, I believe that the main problems faced by Queensland whistleblowers are -

1. The widespread fear among Queensland Public Servants. Their "Learned Helplessness".
2. The "payback" culture.

For example: Dealing with a teacher's concerns about the number of children missing from the classrooms by putting the teacher on Diminished Workplace Performance - and by doing nothing about the children who are missing from their classrooms.

3. The reluctance of Ministers, Directors-General and senior public servants to "know" about corruption in their departments and to take any effective action to deal with the corruption.
4. The failure / corruption of the Queensland Department of Education / CMC / PCMC investigative process.

For example : The policy of passing disclosures down to the corrupt public servants, allowing them to investigate their own behaviour and to write Briefings For The Minister reporting that they have found no evidence of their own corruption.

And the policy of basing all future reports on this first, corrupt report.

5. The corruption of some senior public servants and CMC officers.

For example, in late 2003 an ombudsman advised me that the CMC did not seem to have understood my disclosure properly. I rang the CMC. I explained that a significant conflict of interest on political grounds seemed to be affecting the investigations into my disclosure. The CMC officer seemed to me to be deliberately recording a garbled version of my disclosure - and to want me to know that she was reducing my disclosure to gibberish. I applied for the CMC records of this conversation under FOI and I discovered that this CMC officer had indeed reduced my disclosure to gibberish - and then recorded that, *having spoken to me, she had doubts about my credibility.*

I now understand that the CMC was reduced to a coven of Labor lawyers during the years of the Queensland Labor Government.

I can only presume that this CMC officer was either corrupt or simply too afraid to record my disclosure concerning members of the Labor party.

6. The faux "investigations" into something other than your disclosure, based on official records that have been significantly falsified.

7. The "change" that is based on the findings of these faux investigations and that often seems to be designed to make it even more difficult for whistleblowers to prove corruption.

For example, In 2004 a CMC officer told me very angrily that the department were going to have my disclosure independently investigated. I was able to ask the CMC officer to look up the "independent" investigator's name on the Department's website and I was able to prove to her that the "independent" investigator was actually an employee of the department.

The Department then removed the names of departmental employees from their website.

8. The abuse of powerless and poorly qualified employees to conduct these faux investigations.

For example, the Department of Education employs many well-qualified barristers and solicitors in Head Office. But the Director of Ethical Conduct used a junior Aboriginal employee with no qualifications in law, education or psychology to struggle throughout 2004 over his investigation (which was later turned into a "review") into my disclosure.

This Aboriginal employee was being supervised by a senior officer whose behaviour I had complained about in my CMC disclosure.

The investigator wrote to me to tell me that he was Aboriginal - but I did not receive this email. I discovered it several years later under FOI. The investigator had sent his email "to me" to his supervisor - one of the people he was supposed to be investigating.

I do not suggest that this Aboriginal employee was corrupt.

But, having read this email 'to me', I do consider that he was miserably qualified to conduct an investigation into my disclosure and that language and cultural differences may have impacted on his investigation into my disclosure.

I do not believe that the suggested changes to the CMC will be effective in dealing with Queensland Public Service corruption.

The aim of the changes seem to be to abandon all hope of dealing with 98 per cent of the corruption in Queensland - the "Trivial Corruption" - and to focus the efforts of the CMC on the 2 per cent Spectacular Corruption - presumably because Spectacular Corruption involves large amounts of public funds.

But the 98 per cent of "Trivial Corruption" concerns the lives and the health of ordinary Queenslanders.

Our lives are important.

And employing thousands of public servants who are too corrupt or too afraid to deal with corruption is also a huge waste of public funds.

I would suggest that -

All Queensland Public Service Ethical Conduct Departments be closed and the employee numbers be transferred to the CMC.

All Briefings To The Minister and similar reports to contain a statement *in the body of the report* that the person writing the Briefing has no conflict of Interest in the situation.

All CMC investigations to be carried out by properly qualified, independent investigators who can demonstrate that they have the intelligence, courage and integrity to speak truth to power.

Directors-General and senior officers of the CMC and of all Queensland Government Departments to be required to *demonstrate* that they have the intelligence, courage and integrity to deal with misconduct and corruption in their departments.

Proper consequences for corruption - corruption will only stop when a few corrupt heads roll. Stop promoting and giving special awards to corrupt employees.

I appreciate the opportunity to make this submission.

Robina Cosser M.Ed (SYD).

Vice President, Whistleblowers Australia

Schools and Teachers Contact Person, Whistleblowers Australia.

Email sent using Optus Webmail