

## **Inquiry into the Crime and Corruption Commission's investigation of former councillors of Logan City Council; and related matters**

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This submission addresses term of reference i) regarding Section 49 of the Crime and Misconduct Act which pertains to decisions of the commission to investigate and refer individuals for prosecution or discipline. Implicit in this term of reference is the discretion to decide NOT to take action. In this submission three cases of misconduct handled by the commission are compared.

In the first unpublished but well documented case, a written Public Interest Disclosure (PID) was submitted [REDACTED] regarding alleged illegal waiving of entry and graduation requirements in the [REDACTED]. Students supervised by [REDACTED] did not undertake a single course in the Bachelor of Nursing degree, gained illegal entry in the honours program, were waived the mandatory honours thesis, and graduated with a BN(hons).

The [REDACTED] PID detailed five students who had received a total of 9 illegal academic waivers. The Act requires that a PID of alleged *official misconduct* be documented and reported to the commission. However, [REDACTED], the [REDACTED] officer who received the PID apparently just threw it out.

Three years later the same PID was made to the commission. In the [REDACTED] [REDACTED] confirmed that 1) the PID itself was never documented, 2) no investigation took place, and 3) [REDACTED] claimed that she accepted a verbal denial of wrongdoing without documenting anything.

[REDACTED] report also stated that academic waivers had been granted to [REDACTED]. This confirmed the substance of the [REDACTED] PID about waivers resulting in illegal "gifted" qualifications. Through a bizarre twist of logic, the report concluded that the existence of waivers disproved allegations about the existence of waivers. The commission concurred with this absurd reasoning.

Meanwhile, news of [REDACTED] enrolment waiver had been leaked to the media. Because of the adverse publicity, the commission investigated, and concluded that that the waiving of a single enrolment criterion constituted *official misconduct*.

These two cases, both involving academic waivers occurring at the same time and in the same faculty, elicited completely different responses from the commission. In the first case the commission decided to overlook the mishandling of a PID, the confirmation of waived academic requirements, and the cover up of 9 "gifted" qualifications in the [REDACTED]. In the second case, a single enrolment waiver in the [REDACTED] elicited a public investigation and commission report. The conclusion to be drawn is that the commission makes decisions about investigations based on the publicity surrounding - rather than the severity of and evidence supporting - alleged official misconduct.

By the time the commission's report of [REDACTED] waived enrolment was published in 2013, [REDACTED] had gifted her friend a total of three qualifications: a bachelors degree, a first class honours degree, and a PhD. In the PhD, both [REDACTED] and the thesis examiners had overlooked the student's use of illegal data and falsified thesis declaration.

Seemingly on the basis of these three falsified qualifications, [REDACTED] applied for and won a \$375,000 grant from Queensland Health so that her now graduated protégé and friend could be employed as an academic in the [REDACTED]

This functionally unqualified individual was still employed at [REDACTED] when the commission decided to investigate a third case of alleged misconduct [REDACTED]

In 2016, the commission referred [REDACTED] for criminal prosecution after a scandal erupted about his using faked data to win a grant with his protégé, [REDACTED] was subsequently criminally prosecuted because she falsely claimed to be a co-author of a publication with Murdoch in order to apply for grants. The commission viewed claiming credit for work one had not done in order to obtain a grant was a matter that required referral to the DPP.

Both the [REDACTED] grants involved claiming credit for work not done for financial gain. However, the commission chose to overlook [REDACTED] confirmation that [REDACTED] [REDACTED] had received unearned qualifications, and that [REDACTED] had covered this up. By discarding the [REDACTED] PID, [REDACTED] enabled [REDACTED] to parlay the illegal waivers she gave her students into financial gain, and the commission chose to ignore this.

The main difference between falsified qualifications used to win a grant in nursing, and falsified authorship used to win a grant in neuroscience is the publicity surrounding each case. In the first case the PID was illegally discarded by [REDACTED], while in the second case the commission referred the matter to the DPP after it became a topic of discussion in the research community.

In comparing the 3 [REDACTED] cases, the pattern is that the commission uses its discretion to burnish the reputation of a public entity by both ignoring the destruction of a PID, and by framing other public scandals as isolated cases of aberrant individuals. In fact, all three cases occurred within the same time frame and within the same faculty, suggesting systemic corruption.

### **Police investigation**

Despite the commission's decision not to follow up on [REDACTED] confirmation that academic waivers had been provided to students in the [REDACTED], the evidence of waivers and gifted qualifications did not simply disappear. In 2014 the police fraud unit commenced a criminal investigation of the [REDACTED] [REDACTED].

As soon as [REDACTED] found out about the police investigation, the commission requested oversight of the case, and closed it down. The commission's authority to close down an active police fraud investigation is provided by the Crime and Misconduct Act. This is very problematic.

Within months, the commission publicly reported that [REDACTED] himself was under investigation for fraud, and he resigned. A year after he left the police force, the criminal investigation was dropped for insufficient evidence.

The commission's handling of three cases of alleged official misconduct at the [REDACTED] demonstrates the arbitrary and capricious nature of commission decisions. The pattern that emerges is of the commission using its discretion to publicly refer individuals for investigation or criminal

prosecution in order to create a narrative of integrity, rather than to actually advance the integrity of Queensland public entities.

In the two cases in which the commission decided to publicly investigate officers of [REDACTED], the cases were in the public eye before commission involvement. The commission's stated aim was to reassure the public of the transparency and integrity of [REDACTED] as an institution. Meanwhile, contemporaneous academic waivers, and a grant application based on those waivers were disregarded by the commission, which went on to publicly discredit the integrity of the police officer who tried to investigate.

The results of such discretionary use of statutory authority by the commission are significant. The student beneficiaries - more than those identified in the [REDACTED] PID - retain their unearned qualifications, and at least one publication based on falsified data is still part of the published scientific record. As the whistleblower of the Nursing waivers PID I was denied whistleblower protection.

## Reprisals

In the years following the submission and destruction of the [REDACTED] PID I was subjected to over 80 documented reprisals, predominantly by [REDACTED] long term friend and head of School, [REDACTED]  
[REDACTED]

Within weeks of my submission of the PID, [REDACTED] provided a long list of complaints from staff and students about my lectures and my unprofessional behavior. I was immediately removed as honours coordinator and from all School committees.

I felt deeply confused and betrayed by the nameless students and colleagues who put in complaints about me. Over the next 3 years all my undergraduate teaching was removed. My PhD students were evaluated as "unsatisfactory" and denied access to their research funds. The only way to protect them from abuse was to arrange new supervisors for them. This further eroded my workload.

Two PhD students who stayed with me were targeted. After they had fulfilled every requirement for graduation, the Dean of the Graduate school would not sign their Approval to Graduate form. I sent increasingly urgent emails which all went unanswered. These students suffered extreme anxiety because of the stonewalling. I suffered guilt knowing that these students were being punished because I had submitted a PID. Finally, at the last minute, when we all were at breaking point, the forms were signed.

For five years following that first complaint, bizarre complaints and punishments rolled in, on average once a week, about my substandard lectures, poor communication, or refusal to give scheduled lectures which I had given.

I couldn't understand why so many students and colleagues whom I got on well with were complicit in [REDACTED] reprisals. My undergraduate lectures were replaced by my best friend and colleague of ten years. I was repeatedly betrayed and humiliated by people I knew and trusted who were apparently happy to put in false complaints about me.

In 2014, more than \$12,000 in my research consultancy account disappeared. I'd earned this money outside of work hours through research consultancies in my own time and deposited this income in a [REDACTED] consultancy account. [REDACTED] were told that this account earmarked tax-free income for research and PhD student research purposes.

However we weren't told about [REDACTED] which states, "monies generated from private work cannot be paid into University accounts unless they are formally donated to the [REDACTED]. For a decade I routinely deposited and withdrew funds to support my research until [REDACTED] cashed in. My research screeched to a halt. The [REDACTED] donor report lists 8 unnamed staff members who donated \$10,000 - \$10 million. I assume I am among those unnamed staff members who "donated" money.

While all this was going on, I kept trying to get a transfer out of the School, or at least a new line manager. Meetings intended to stop reprisals morphed into quasi performance management procedures. [REDACTED] refused to read the documentation of reprisals, lies and false complaints I'd provided. A tape of these meetings records [REDACTED] as saying that there was too much for him to read.

Throughout this process, complaints kept pouring in while [REDACTED] micromanagement morphed into serious stalking. An IT officer arrived and ordered me to move away from my computer while he proceeded to search my hard drive. [REDACTED] told him I'd downloaded illicit material. At the end of one workday, [REDACTED] emailed me, requesting an explanation as to why I hadn't been at my desk. I'd been working in the library. [REDACTED] knew and queried every move I made. It was textbook coercive control.

I started getting bizarre emailed complaints and reprimands from real staff and students, and strange emails asking about my future plans from people like "Jane Smith" with an email address of XX [REDACTED]

Later, a series of Right To Information applications revealed that none of the complaints actually existed. I found out that [REDACTED] had a "redirect" put on my emails. From the time I submitted the PID in [REDACTED] she had been intercepting every email I ever received or sent, sometimes deleting, sometimes apparently catfishing me using real staff and student emails. I now suspect that it might not have been the [REDACTED] who refused to sign my PhD students' Approval to Graduate forms. It is more likely that [REDACTED] had been deleting my emails to [REDACTED].

It was clear that every complaint [REDACTED] made about me had been invented by reading my emails with staff and students and then claiming that they had complained to her. There was no record of any of these complaints in any [REDACTED] file. Nevertheless [REDACTED] used these non-existent complaints to tell the commission that they justified my ongoing "performance management" by [REDACTED]

[REDACTED]

[REDACTED]

As soon as [REDACTED] found out about the police investigation, [REDACTED] wrote his short report for the commission, confirming the [REDACTED] PID had not been documented or investigated, academic waivers had been given, and that complaints from [REDACTED] were legitimate performance management issues. The commission closed the police investigation.

By this time all my teaching had been removed, my PhD students had graduated, and my research funds been taken. My pay had been cut by hundreds of dollars per week. I had been falsely accused of research fraud, academic fraud and financial fraud. Every time I provided documentary proof that the charges were false, the investigations were dropped, only to be started again by another [REDACTED] department.

I had been under constant investigation or “performance management” for almost 5 years. I was forced into redundancy.

All this occurred because [REDACTED] destroyed the PID I’d submitted according to the requirements of the Act. This enabled reprisals with plausible deniability. Three years later, after I reported the gifted qualifications again, reprisals continued because [REDACTED] [falsely] claimed she had investigated the PID [REDACTED]. The [REDACTED] report documents [REDACTED] egregious breach of the Act and still the commission did not question the total lack of any documentation regarding the [REDACTED] PID.

## Conclusion

As the whistleblower in the [REDACTED] PID, my conclusion is that the commission

1. Chose to construe the destruction of a PID as lack of evidence of the substance of the PID, rather than as evidence of a cover up.
2. Reported that [REDACTED] was under investigation, arguably as a means of publicly discrediting him;
3. Improperly used the discretion enabled by Section 49 of the Act to decline to investigate or to refer confirmed instances of illegal academic waivers in the [REDACTED]
4. In the context of its handling of the [REDACTED] cases, made decisions about reporting and referring matters with the aim of reputational rehabilitation of [REDACTED] rather than as a means of promoting genuine integrity.
5. Allowed [REDACTED] to spend 3 years making the specious argument that because there had never been a PID [REDACTED] there could not have been reprisals for a PID that never existed. A further 2 years of reprisals were enabled when [REDACTED] changed its story that the [REDACTED] PID had been investigated and dismissed in [REDACTED] for lack of evidence.

Had the PID made in [REDACTED] been dealt with as required by the Act, or had the commission questioned the destruction of that PID, hundreds of thousands of dollars would not have been lost to the public good. The perpetrators who engaged in and covered up official misconduct would have been called to account. A clear message would have been sent that discarding PIDs as a way of covering up allegations of corruption and enabling reprisals is a breach of the Act that will not be tolerated.

## Recommendation

Based on the above three cases illustrating how the commission inconsistently applies Section 49 of the Act, I recommend the following:

- When a complaint is made to the commission that a PID submitted to an entity was inadequately dealt with, an automatic audit of how the PID was handled is triggered. This audit must minimally require details of witnesses and evidence examined, with random spot-checking for veracity. If, as in my case, the entity did not manage the PID according to the Crime and Misconduct and Public Interest Disclosure Acts, the commission must investigate, and if appropriate, refer the officers involved to the DPP.
- The PCCC must have greater statutory oversight of the commission, and actively investigate complaints made to it that the commission overlooked deliberate destruction of a PID and reprisals.