

[REDACTED]

From: David Kenny [REDACTED]
Sent: Wednesday, 30 June 2021 8:49 AM
To: Parliamentary Crime and Corruption Committee; Scenic Rim Electorate Office
Subject: MacSporran and CCC
Attachments: CCC code 1.png; Chapter 10 1.jpg; CCC Guide 2.jpg
Categories: Inquiry Related

I am going to show how MacSporran and the CCC are guilty of breaching their own guidelines when charging the LCC Councillors in that they: See attached copy of the CCC Guidelines

1. Are Guilty of putting their own investigation at Risk
2. Upon finding that their investigation going &/or went wrong they did not take action to mitigate the faltering action.
3. And did not follow up on Actual or perceived conflict of Interests

There are some very interesting comparisons with both the QIRC and Magistrates Committal Hearings.

Putting and Investigation at Risk

Chapters 6 to 10 deal with the CCC guidelines of how to conduct an Investigation into investigating and documenting a complaint we can easily document the failings of the CCC case against the LCC and the Councillors charged as outlined in the QIRC and Committal Hearings dismissal of all charges.

So, I am going to start with going from backwards from chapter 10 to 6 and Highlight were MacSporran and the CCC failed to follow their own guidelines.

In the attached Photo of Chapter 10 **Retrieving an Investigation when things go wrong.**

Putting and Investigation at Risk

Dot point 1. Ensure Due process is done. No that did not happen

Dot point 2. Document your action and reasons for deviating from your investigative plan. We know they only investigated the mayor and 7 Councillors not Kelsey and the other 5 Councillors.

Dot point 3. Follow all relevant disciplinary procedure. Did not happen, refer dot points 1 and 2

Dot point 4. Be careful of adopting findings of another investigator. e.g., Kelsey.

Dot point 5 Ensure your Investigation is supported by the evidence. Failure of two court cases prove CCC did not do this.

Dot point 6. Check evidence is complete, all witnesses interviewed, and documents gathered. Again, previous points demonstrate failures here to follow their own guidelines.

The last sentence under these dot points demonstrates after 44 Months of investigation neither swift nor appropriate action was taken.

Actual or Perceived Conflict of Interest

Act Immediately

So please read of these 4 dot points in the photo and summarised here as.

1. Be prepared to act immediately if your case is **faltering**
2. Acknowledging the problem is important and notifying anyone **unfairly prejudiced** by the consequences of the problem should be done.
3. Act to fix the problem **immediately**
4. Fix the problem by examining your investigation procedures and **rectify them**

Did the CCC do that NO!!!

So, after **44 months of investigation and almost 2 months** since these charges were thrown out of **two Courts (QIRC and Magistrates)** MacSporran and CCC obviously have no idea of what the definition of immediately is.

Maybe they just have NO IDEA how to follow their own Guidelines?

Actual or Perceived Conflict of Interest

So, I was thinking about this guideline and my thoughts started to question some actual or perceived conflicts of interests that could have happened before these two cases were heard.

- The timing of Kelsey meeting MacSporran before her performance review and issuing the PID 😏
- The four leftover Councillors and Kelsey intentionally causing an actual or perceived conflict of Interest with the other councillors 😏
- Kelsey, MacSporran and Minter Allison Is this an actual or perceived conflict of interest? I wonder if I can find any evidence of this 😏
- Would have MacSporran specifically spoken to Hinchcliffe about having the four leftover Councillors becoming advisors to Administrator in an attempt to get Kelsey reinstated 😏

Food for thought for PCCC inquiry

Two more from ICC found not guilty yesterday of charges brought by CCC



Tyranny , using the courts in a malicious and pernicious way with no compensation for the damages caused to individuals.

So, if the PCCC has any teeth they should sack MacSporran before he qualifies for his lifelong salary and benefits and recommend a **judicial inquiry into the CCC actions.**

The more you share the post the more people learn the truth.

Further Food for thought for PCCC Inquiry

I have been reminded by the Ipswich mob that I missed Mary Missen (junior member of staff in Pisasales office)

very recently had all 28 charges withdrawn.

Charlie Peel of The Australian Quoted Greg Hallam as saying, '**given the flux of time in these matters ,two and three years ,to have the bulk of these matters withdrawn is simply an outrageous abuse of process , bordering on tyranny .In the last month alone 11 elected members and council officers across three separate councils have had the charges against withdrawn or thrown out of court' .**

I did not include Antonioli in that number if the **Crowns Appeal in the Court of Appeal ,** that number **becomes 12**

Surely from what we now Know of Hinchcliffe, MacSporran. Kelsey, Power, Bradley, Raven and Koranski actions since August 2017 they all need to be charged with MacSporran own rule of law in that they:

408C of the Criminal Code 1899 on the basis that they caused a detriment to 7 Councillors by charging them without any real investigation and taking 3 years to come up with no evidence

Cheers

David Kenny

District 9640 Youth Exchange Program Chair

Rotarian PP and PHF also Bicycle rider



Be Yourself Because Everyone else is Taken

[REDACTED]

From: David Kenny [REDACTED]
Sent: Tuesday, 20 July 2021 9:44 AM
To: Parliamentary Crime and Corruption Committee
Subject: Submission for the Inquiry to MacSporran and CCC into LCCC
Attachments: CCC code 1.png; Chapter 10 1.jpg; CCC Guide 2.jpg

Categories: Sent to PCCC Inquiry, Inquiry Related

Hi

I forwarded the below email to you on 30 June 2021 and have not received an acknowledgement from you.

Is it because I did not give you and home address? which is.

[REDACTED]

I would also like to add that two courts have dismissed allegations against these Councillors

1. QIRC in calling Kelsey evidence 'as more reconstruction than recollection' and the PID that started all this being delt in this court as well, no evidence for the PID or the Councillors using it against Kelsey.
2. Magistrate Court after 9 days of committal hearing DPP withdrew charges and the Magistrate agreed DPP reached the correct decision.
3. Then why has Macsporrان continued with this ridiculous attempt to pervert the course of justice, before during and after these two court matters have been finalised.

Finally, in writing this submission I have read all the hearing documents available for the QIRC and the 9 days of Committal hearing and can see no other conclusion that the PCCC agree with the two courts decisions and must recommends charging MacSporran and all those involved in this fabrication of facts.

And the PCCC should recommend the CCC have a panel of independent jurists oversea its investigations.

If you don't believe me then look to LGAQ submissions, the legal advice given to MacSporran and Hinchcliffe before the council was sacked and the many solicitors and silks who have been involved along with the Law Society and The Clerk of the Parliament Neil Laurie

These Councillors have endured almost four years of inquiry, 3years of their ability to earn money, not to mention destroying of their reputations and mental anguish.

It is time for MacSporran and CCC to be held accountable.

Thank you, I look forward to your confirmation you have received my submission.



Cheers

David Kenny

District 9640 Youth Exchange Program Chair

Rotarian PP and PHF also Bicycle rider



Be Yourself Because Everyone else is Taken



From: David Kenny [redacted]

Sent: Wednesday, 30 June 2021 8:48 AM

To: Parliamentary Crime and Corruption Committee <ppcc@parliament.qld.gov.au>; Scenic Rim Electorate Office <scenicrim@parliament.qld.gov.au>

Subject: MacSporran and CCC

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That's **10 walked free** 7 Logan [if you count Luke Smith that is 8 but as he is facing other matters, I left him out] , 2 Ipswich, 1 Hopevale and Antonelli is in the Court of Appeal today and should be right , that makes 11

Allan Sutherlands case in September should fall over at committal, if not before

Tyranny , using the courts in a malicious and pernicious way with no compensation for the damages caused to individuals.

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Cheers

David Kenny

District 9640 Youth Exchange Program Chair

Rotarian PP and PHF also Bicycle rider



Be Yourself Because Everyone else is Taken



From: David Kenny [REDACTED]
Sent: Thursday, 22 July 2021 7:46 AM
To: Parliamentary Crime and Corruption Committee
Subject: Submission for the Inquiry to MacSporran and CCC into LCCC

Categories: Submission, Inquiry Related

Hi

I realise I have put three submissions to the PCCC regarding MacSporran actions, but I would like to add a fourth for the PCCC, in why MacSporran come to making the charges against the Logan City Councillors leading to the sacking of that Council by the then Minister for Local Government Hinchcliffe and if I had to choose one question out of the many, this would be it.

When MacSporran charged the 8 Councillors on 26th April 2019 what evidence did he use to charge them with Fraud by not giving person on probation a fulltime job.

With hindsight we know that two independent courts found no evidence to prove these charges along with the Public Interest Disclosure [PID] so what evidence did MacSporran use on 26/04/2019?

- Was it Kelsey's reconstruction not recollection? [QIRC words not mine]
- Was it then Councillors Power, Bradley, Raven and Koranski evidence? [again, since proven to be inaccurate]
- Was it acting on request &/or advice from Minister Hinchcliffe?
- Or a combination of them all?

What evidence did MacSporran have on 26/04/2019?

I confirm I would like my submissions to be considered as your submission to the Inquiry into the Crime and Corruption Commission's investigation of former councillors of Logan City Council, and related matters.

[REDACTED]



Cheers

David Kenny
District 9640 Youth Exchange Program Chair
Rotarian PP and PHF also Bicycle rider

[REDACTED]
Be Yourself Because Everyone else is Taken

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



Crime and Corruption Commission
QUEENSLAND

Corruption in focus

A guide to dealing with
corrupt conduct in the
Queensland public sector

March 2019



10 Retrieving an investigation when things go wrong

Putting an investigation at risk

To avoid putting your investigation at risk, you should:

- ensure due process (e.g. as outlined in these guidelines) is followed — document any action or inaction that is contrary to best practice
- document all your investigative actions, as well as reasons for deviating from your investigation plan
- follow all relevant disciplinary procedures, particularly if they are contained in an Act or Regulation — take care not to omit any steps
- be careful about adopting the findings of another investigator — any disciplinary outcome should be based on your independent investigation
- ensure that the outcome of your investigation is firmly supported by the evidence — don't make any recommendation that can't or won't be defended
- check that your evidence is complete, with all available witnesses interviewed and all documentary evidence gathered.

Nevertheless, even with the best-laid plans for an investigation, from time to time things may go wrong. However, the situation is usually retrievable if swift and appropriate action is taken to remedy the problem.

Act immediately

You need to be aware of what might go wrong in an investigation so that you can be prepared to take action if it shows signs of faltering.

- Acknowledge the problem as soon as it is discovered, and consider who else should be notified. Depending on the nature of the investigation and of the problem, this may involve notifying the person who authorised the investigation, or notifying the CCC. Usually anyone who has been unfairly prejudiced as a consequence of the problem should also be notified, but this does not apply if notification would have the effect of exacerbating the problem or compromising the investigation.
- Act to fix the specific problem immediately. Unfortunately, this will not always be possible, and in some cases you will be unable to recover the investigation.
- Fix the general problem by examining your investigation procedures. If the problem is procedural, you should act to rectify the problem across the board.

Actual or perceived conflict of interest

A conflict of interest may be discovered or alleged when the investigation is already under way (see "Conflicts of interest" in chapter 5). You may become aware of facts or circumstances indicating a conflict of interest which were not apparent at the outset, or an allegation of a conflict of interest might be levelled by someone else after your investigation has started. Retrieving an investigation in these circumstances can be complex.

Under no circumstances should you make a judgment about the existence of an actual or perceived conflict of interest.

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