

Mr Jon Krause MP
Chair Parliamentary Crime and Corruption Committee
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Dear Chairman Krause,

I welcome your investigation into the Crime and Corruption Commission and its handling of the inquiry into the former Logan City Council.

After speaking with some of the former Councillors, I intend to detail the questions that I believe need answering as part of your probe into the Logan hearing.

At the heart of it, are the charges of fraud brought against the Councillors in what was by, any definition, an Industrial Relations matter.

The word FRAUD immediately denotes money issues and has irreparably besmirched all those democratically elected members who were maliciously charged using unsubstantiated evidence in the original charge sheet.

Any Minister of any Government would have been reticent to interfere in the matter once such a charge had been brought.

It is the bringing about of those charges that should be the subject of this Committee's investigation.

I do not reflect on you as Chair or the Committee members. However, the CCC and Chair whose conduct you are examining has enormous powers to oversee you. Therefore, I think you are in a difficult position in the task over which you are presiding.

The solution lies in a recommendation by the Clerk of the Parliament, Mr Laurie, to you on April 27th this year.

The Committee recommends that the Crime and Misconduct Act 2001 be reviewed with a view to:

- **having lay members included on the Parliamentary Crime and Misconduct Committee and**
- **greater transparency of the operations of the Parliamentary Crime and Misconduct Committee.**

I firmly believe that if ever there was a time to adopt this recommendation it is for this investigation.

Let me explain why.

The CCC allowed an allegation of fraud to be placed in the public arena for 2 years before it was dismissed for lack of evidence.

Logan City, the city that I was honoured to represent, had its democratically elected Council put to the sword, the Councillors were destroyed, their reputations, income, respect were all caste into doubt. A new Council, most of whom had no local Government experience and no corporate memory, was elected in its place and for what? For no case.

Someone must be held accountable.

At the heart of it was the timing of the laying of the charges by the CCC.

Once again, I refer to the language of the Clerk of the Parliament in a letter to you on April 27th of this year:

“I think there needs to be some clarity provided about the role of the CCC as an investigator and reporter and whether it is also a prosecution agency. Generally, there is separation between investigators and prosecutors. There are sound reasons for this separation. This separation is particularly important for the exercise of prosecutorial discretion, which refers to when a prosecutor has the power to decide whether or not to charge a person for a crime (despite there being a prima facie case), and which criminal charges to file or discontinue. It is also important when there are serious and complex charges which may be issued in a matter.”

Here are the lists of matters the CCC Chair should have to answer in relation to the former Logan Council:

Why did the chairman of the CCC authorise his officers to act when there was a matter involving the former CEO of Council occurring in the Industrial Relations Commission?

Did he not know that the applicants' final closings were due to be verbally submitted the following week?

If not, why not?

Why did the CCC not wait for the QIRC commissioner to bring down his decision before acting?

A competent CCC Chair would have waited.

Why did the CCC act before fact checking sworn allegations made by either Ms Kelsey or the five councillors aligned with her? These allegations formed part of the original QP9 charge document.

Allow me to present the Committee with a flavour of the allegations.

It was alleged that the 7 councillors supposedly aligned with the Mayor received favoured treatment in the 18/19 budget. This same accusation was made to the administrator who investigated the allegation as part of her due diligence - her response:

No individual councillor received favoured treatment to their divisions in the 18/19 budget.

After all, this could have been substantiated during the CCC investigation prior to charging councillors. All it would have taken was a simple request by the CCC to the Acting CEO.

A competent Chair would have made that request.

If the administrator could easily find the facts behind this allegation, why did not the senior investigating officers of the CCC.

The allegation was made that the election of Councillor Dalley to the Deputy Mayor position was a "pay off".

The reality was the Deputy Mayor was elected unopposed; any other Councillor could have stood. No other councillor nominated.

Did the CCC even bother to question these allegations?

It was alleged that the sacked Councillors voted in a bloc.

Any thorough investigation of the voting patterns of Council over the previous years would have revealed that there was no voting bloc by the sacked Councillors.

It has been alleged that the CCC on three occasions tried to insert information into the QIRC action by delivering those documents to the Logan City Council CEO.

If this allegation is correct, this Committee should request an explanation from the Chair of the CCC.

Did the CCC continue to meet on a regular basis with Ms Kelsey with very few notes taken?

If this was the case, I would ask this Committee to question the Chair as to why meetings between the head of the CCC and a complainant were not taped, and extensive notes kept of the responses.

There is a document which has been cited that says "**need to support and protect SK**" in a portion of a meeting that was recorded?

What does this mean?

On the assumption that SK is Sharon Kelsey, there appears to be too close a relationship between the Chair of the CCC and Sharon Kelsey.

What is the nature of the relationship between Sharon Kelsey and the Chair of the CCC? Is it professional or personal - the Committee should demand the Chair explain?

Why else is there a need **to support and protect SK**?

Did the CCC Chair write a letter to the Local Government Minister seeking sources of funding for a whistle blower but also speak to the Minister about that matter?

If it happened, why did it happen?

The CCC Chair should seek a right of redress and compensation for those whose careers, reputations, and lives have been destroyed?

Finally, I go to the issue of competence.

In the case you are examining, the Councillors lives were upended for 2 years before the charges were eventually overturned.

The CCC simply takes too long in its investigations.

Let me cite one other case.

The case involving the public servant and the former Deputy Premier has dragged on for more than 1 year. The impact on the lives of people under investigation seems of little or no concern to the Chair of the CCC for matters that could easily be tested. This goes to the heart of a pattern of unresolved issues and time lags under this Chair.

If the Committee finds against the competence of the Chair it should recommend his immediate dismissal from the CCC – a body in which the public needs to have the utmost confidence.

I thank you for considering the issues in this submission to you.

Yours sincerely,

Hon John Mickel

Former member for Logan