

## Review of the Crime and Corruption Commission's activities

**Submission No:** 13  
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**Publication:**  
**Attachments:**  
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**Review of the crime and corruption commission's activities**

**My submission refers to Report Number 108 57<sup>th</sup> parliament 2021**

**In the chairs forward paragraph 4 it was stated that Queensland needs an effective ,impartial and independent watchdog on public sector corruption and major crime and went onto state “key to this is Queenslander having confidence in the CCC and its use of the extraordinary powers that have been entrusted to it -in particular that these powers will be used impartially ,independently , fairly and having regard to the public interest at all times and in all places.**

**The committee finds that the CCC has exceeded the specific limits of its powers under the Public Interest Disclosure act 2010 in the Logan City Council matter and the Crime and Corruption Act 2001 in regards to assistance within the QIRC process and further finds that the CCC Chairperson did not ensure that the CCC acted independently and impartially”**

**The above is aa damning statement against the leadership abilities and actions of the former commissioner and as stated in Counsels orals submission “it was open to the committee to conclude that it may not have confidence in the CCC Chairperson maintain the CCC’s independence ,impartiality, fairness and pointed the committee accordingly to section 23614 of the Crime and Corruption Act 2001 and the possibility of a recommendation to the Legislative Assembly that the Chairpersons appointment be terminated .**

**The committee did not make a finding or recommendation.**

**Subsequently the Commissioner did in fact resign**

**But the damage due to his beliefs, lack of fairness and impartiality and failure to ensure that the investigation and investigators acted in a fair and impartial manner bought about the dismissal of 7 innocent people who had their careers and reputations ruined along with the relevant mental anguish of being charged with a serious criminal offence which was not supported by any primary evidence and thus failed at committal hearing.**

**We are only seven of many local government victims of what I refer to as the Spanish Inquisition mentality of various administrative and sworn police**

officers working for or seconded to the Commission, those officers failed to act impartially, fairly and independently, instead in my opinion they acted in a manner that they thought would satisfy the Commissioners intents and beliefs.

I refer you to the 14 findings of the report and wonder has the committee acted upon any of the findings of the report and or recommendations of the Fitzgerald report that the then premier stated that the government would implement all of the Fitzgerald recommendations or has it been quietly sidelined.

If that's the case, how are we ever going to ensure that what happened to the Logan Councillors and others is never repeated.

We cannot have innocent people having lives reputations and careers ruined by an out-of-control arm of government.

The findings in the PCCC report are damning and further strengthen the need for an improved more diligent and thorough investigative criteria to ensure that there is no further miscarriage (finding 11) and that at all times the CCC acts in accordance as per the Crime and Corruption Act 2001.

As a further example of prejudice and lack of impartiality directed at the seven councillors, I refer you to paragraphs 2,3,4 in findings 6.3.7.1 page 62

“the view of a shared common interest became more strongly held and expressed over time. By 4<sup>th</sup> September 2019 it was an interest such that Mr Mac Spooran Qc described his “outrage” at the way Ms Kelsey had been treated by Logan City Council, Mr Hutchings, consistent with the CCC Chairpersons instructions to him had sought to correct what the CCC saw as a very significant imbalance in the QIRC proceedings.

Mr Hutchings view was fortified by his view that the former Logan City Councillors had committed perjury in that proceeding and therefore ought not be allowed to decide the extent to which they would have continuing access to legal representation paid for by the Logan City Councils insurer.

The Logan City Councillors were never charged with perjury and no investigation into any such offence by them was ever commenced.

Well settled legal principle is that all persons are entitled to legal representation and if they have insurance that covers it, to utilize it for that purpose, whether or not they are accused of serious wrongdoing such as perjury. Any comparison to the indemnity arrangements with respect to state employees is misplaced.

The committee has also received submissions concerning public comments of the CCC Chairperson in 2020 in which he described Ms Kelsey as a ‘poor woman’ subject to disgraceful conduct by former Logan City Councillors. These comments made after the CCC Chairperson had stated in public at the time of charging, that the charges were now a matter for the courts, illustrate

**the depth of empathy with Ms Kelsey of the CCC Chairperson – empathy that grew over time, such that the Chairperson was no longer an impartial, independent participant in this matter**

**The evidence shows to the satisfaction of the committee that the CCC Chairperson, Mr Hutchings, DS Francis and to a lesser extent Mr Alsbury were strongly motivated by a view that they needed to correct the imbalance for Ms Kelsey and because they had a shared interest in seeing her succeed in being re-instated as the CEO of Logan City Council.**

**This was Mr Hutchings declared overarching Purpose “**

**In My opinion taking the above into consideration, you have to ask what chance of a fair impartial outcome did we have when three of the highest office bearers and the lead detective were all predisposed to an outcome that benefited the former CEO.**

**One has to ask the question should those persons have been charged with, Misconduct in Public Office in trying to influence the outcome of a decision to benefit a third party.?**

**Your role is to ensure that the CCC does not overstep their legislative powers going forward and importantly to rebuild public trust in the CCC .**

**That you ensure that the Commission acts fairly, impartially and in the public interest but most importantly act in an honest and ethical manner.**

**That the CCC is under no misunderstanding that they will be held accountable for their actions and outcomes by the parliamentary crime and corruption committee.**

**That the CCC chairperson is a retired judge and holds the position for three years then is replaced**

**That the board of advisory to the chair comprise of**

**Assistant commissioner of Police**

**Deputy director of the DPP**

**Director of legal affairs CCC**

**That the Chairperson categorically does not have the authority to override charges that police officers have submitted for approval.**

**That seconded police officers to the CCC be for a maximum of five year**

**That CCC provides actual cost break downs to the committee regarding costs of investigations, submissions and attendance at enquiries and hearings, ongoing legal costs pertaining to civil legal proceedings.**

**That the CCC provides to the committee the value of proceeds of crime monies, properties goods and chattels that has been recovered as a result of their actions**

**That the CCC is obligated to ensure they carry out due diligence of public information disclosers to ensure that PIDs aren't being used vexatiously, politically and as a means to damage other persons reputations and or credibility. (not just a cursory google search)**

**That the PCCC committee reinforces at all times that the CCC has significant investigative powers more so than the QPS and that their standards of operation and quality of investigations should be at the highest of standards.**

**That the PCCC committee has the legislative power to engage at any time the QPS ethical standards command to investigate the CCC .**