

25 March 2022

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Chairperson, The Honourable GE (Tony) Fitzgerald AC QC

Commission of Inquiry relating to the Crime and Corruption Commission

1. My name is Michelle Francis Stenner, and I am currently 48 years old. I joined the Queensland Police Service (QPS) in 1991 and was sworn in as a police officer on 29 May 1992. I served in a number of areas across Queensland and in a number of different roles before being appointed to the position of Superintendent, Gold Coast District in June 2015.
2. I am married to [REDACTED] who is an [REDACTED], and we have [REDACTED] [REDACTED] years old. We reside at our home in [REDACTED] [REDACTED].
3. I have been the subject of a Crime and Corruption Commission (CCC) investigation which commenced in October 2016 and was finalised in the Brisbane District Court on 22 October 2021 when DCJ Kent QC directed the jury to return verdicts of not guilty in relation to all charges.

### Terms of Reference

4. In line with the terms of reference set out in the Order in Council dated 31 January 2022, I intend to draw your attention to the specific actions of CCC officers involved in this investigation, as well as officers from the Queensland Police Service (QPS) seconded to the CCC.

### Context

5. Shortly after my appointment to the Gold Coast District in 2015, [REDACTED] was appointed to the role of [REDACTED]. I had never met [REDACTED] prior to [REDACTED] arrival at the Gold Coast in about September 2015.
6. In May 2016 I was performing my role as Superintendent, Crime and Support Services as well as relieving in the position of Acting Chief Superintendent Gold Coast District whilst [REDACTED] was on leave. On 4 May 2016 I received a phone call from [REDACTED] [REDACTED] inquiring as to whether there was any temporary AO2 administration officer

vacancies in the district as [REDACTED] needed to return [REDACTED]  
[REDACTED]

7. I was aware of [REDACTED] children through discussions with him and that [REDACTED] had been a previous QPS employee for a period of 8 years and had only resigned from the QPS 7 months earlier [REDACTED]  
[REDACTED]  
[REDACTED] I requested [REDACTED] to send through [REDACTED] resume to be considered for a temporary AO2 role.
8. A process known as a suitability assessment was then undertaken of [REDACTED] resume by me and [REDACTED]  
[REDACTED] and I were both of the opinion that [REDACTED] was a highly qualified applicant who could undertake the role of a temporary AO2 administration officer at [REDACTED] Police Station for a period of 3 months.
9. The process for the appointment of temporary AO2 personnel at that time only required a suitability assessment of the individual, no formal panel was required, and no formal interviews were necessary. However, in the absence of specific forms for the appointment of temporary employees, the QPS utilised the same forms associated with the appointment of permanent employees and required the listing of a 'panel' although one was not required to be convened (as per Qld Government Directive 15/13).
10. [REDACTED] then liaised with the HR Manager, [REDACTED] regarding the necessary paperwork to be completed. [REDACTED] then completed the required form by nominating [REDACTED] and me as the panel members who had assessed [REDACTED] suitability. At some time later that day [REDACTED] identified a problem with the paperwork completed by [REDACTED] ([REDACTED] had signed in the wrong section on page 2) and suggested a change to the panel composition. [REDACTED] suggested this change, as although this was not prohibited, it was not best practice to be both on the panel and be the approving officer.
11. An approach was then made to [REDACTED] to inquire if [REDACTED] would be willing to replace me on the panel form (for the purposes of the paperwork) as the suitability assessment had been completed and it was necessary for me to sign as the authorising officer. [REDACTED] agreed to this request which was also accompanied by an explanation of [REDACTED] previous QPS history and the role [REDACTED] was being considered for.
12. A second set of documents were then compiled by an administration officer [REDACTED] for the appointment of [REDACTED] to the temporary AO2 position at [REDACTED] Police Station. This paperwork was then processed by the HR Manager and [REDACTED] commenced work at [REDACTED] Police Station on [REDACTED]

13. I signed the paperwork authorising the appointment of [REDACTED] to the temporary AO2 position on page two of the form and did not check page one of the form as I believed it had been completed correctly. Unbeknownst to me, the person who had compiled the paperwork had made an error on page one and inserted the name [REDACTED] instead of [REDACTED] ([REDACTED] was relieving in [REDACTED] position as the [REDACTED] at the time.

14. An anonymous complaint was later made to the CCC in October 2016 regarding the employment of [REDACTED] and an issue regarding [REDACTED] completion of time sheets at [REDACTED] Station. As set out here under, that anonymous complaint initiated an incompetent and biased investigation of myself which has resulted in significant career, reputational and personal harm.

### **Timeline of Events**

15. The following brief timeline of events is provided in relation to this matter:

- i) 25 October 2016 – anonymous complaint lodged with CCC regarding the employment of [REDACTED] to a temporary AO2 position at [REDACTED] Police Station for 3 months;
- ii) 17 November 2016 – matter referred to the QPS Ethical Standards Command (ESC) for investigation;
- iii) 23 January 2017 – ESC [REDACTED] wrote to the CCC after conducting preliminary investigations advising there was ‘no corrupt conduct’ identified in the employment of [REDACTED]
- iv) 8 February 2017 – CCC referred the matter back to ESC for further investigation as the CCC were unable to agree with the recommendation to close the matter;
- v) 24 March 2017 – CCC assumed control of the investigation;
- vi) 15 May 2017 - Approval given by CCC [REDACTED]  
[REDACTED]
- vii) 19 May 2017 - CCC investigator [REDACTED] made an application before Federal Court Judge Vasta for a telecommunications interception warrant in relation to my mobile phone and office landline. Judge Vasta did not issue the warrant and the matter was further heard on Monday 22 May 2017;

- viii) 20 May 2017 - Articles published in the Courier Mail and Gold Coast Bulletin containing details of the confidential CCC investigation into the employment of [REDACTED]
- ix) 22 May 2017 - Warrant issued by Federal Court Judge Vasta to intercept telecommunications from my mobile phone and office landline for a period of 19 days;
- x) [REDACTED]
- xi) 7 September 2017 – I was arrested and charged at the Southport Watchhouse with 1 x Misconduct in relation to Public Office relating to the employment of [REDACTED] and 3 x Perjury relating to evidence given at [REDACTED];
- xii) 7 September 2017 – I was suspended from the QPS (26 years’ service and no previous criminal or disciplinary history);
- xiii) 18 June 2018 [REDACTED] DPP Prosecutor [REDACTED] advised of [REDACTED] intention to withdraw the 1 x Misconduct in relation to public office charge as the Crown were unable to prove that the means by which [REDACTED] was employed was dishonest;
- xiv) 5 November 2018 - Pre-trial hearing conducted before Judge Richards, Brisbane District Court in relation to element of materiality relating to perjury charges. Application by the defence was refused;
- xv) 3 x perjury charges listed for trial to commence 22 February 2019 in the Brisbane District Court. Trial date abandoned one week prior to the trial commencing due to a significant legal issue identified relating to second authorisation [REDACTED]
- xvi) 22 July 2019 - Hearing in Brisbane Supreme Court before Judge Ryan regarding issue mentioned in (xv). Judge Ryan ruled no jurisdiction to hear the matter which should be heard in the District Court. Application dismissed and I was ordered to pay legal costs of CCC and State of Queensland;
- xvii) 18 November 2019 - Pre-trial hearing held in Brisbane District Court before Judge Moynihan QC in relation to matter mentioned in (xv). Judgement delivered on 21 April 2020, application dismissed;

- xviii) 31 May 2021 - District Court Trial held at Brisbane before Judge Reid (8 days in total). On the eighth day of the trial after the jury had been sent out to deliberate, a mistrial was declared by Judge Reid after a juror was found to be using their mobile phone to look up legal terms;
- xix) 18 October 2021 - District Court Trial held before Judge Kent QC (5 days in total). At the close of the prosecution case, Judge Kent found special reason to reopen the decision of Judge Richards from 5 November 2018 regarding materiality. Judge Kent QC found I had no case to answer in relation to all charges, as on the evidence heard at trial, none of the statements alleged to be false evidence at the CCC hearing had any materiality in relation to the investigation into the employment of [REDACTED]. Judge Kent QC further stated, that on the evidence at trial, what had transpired in the appointment of [REDACTED] in 2016 was nothing more than 'interesting bureaucratic bungles';
- xx) 22 October 2021 - DCJ Kent QC directed the jury to enter findings of not guilty in relation to each of the perjury charges. I was acquitted of all charges and formally discharged.

### **Initial Complaint to CCC and Investigation**

16. The anonymous complaint related to the employment of [REDACTED] for a temporary AO2 position for a period of 3 months at [REDACTED] Police Station on [REDACTED]. CCC officers have continually referenced in their documentation that this complaint was received on 25 October 2016 however the actual typed document is stamped as being received at the CCC on 5 April 2017 (see attached Annexure 'A').
17. [REDACTED] was the [REDACTED] of then [REDACTED]. [REDACTED] had previously worked for the QPS [REDACTED] prior to [REDACTED] re-employment as a temporary AO2.
18. On 17 November 2016 this matter was assessed by the CCC and sent to the QPS Ethical Standards Command (ESC) for investigation. The matter was assigned to [REDACTED] who conducted preliminary inquiries into the matter including reviewing the paperwork associated with the appointment of [REDACTED] in 2016 and speaking with Human Resource (HR) Manager [REDACTED].
19. On 23 January 2017 investigator [REDACTED] wrote to the CCC regarding [REDACTED] investigations conducted into the matter, indicating there was 'no corrupt conduct'.



20. On 8 February 2017 the matter was returned to the ESC for further investigation as the CCC did not agree with the recommendation to close the matter. [REDACTED]

21. The matter was then assigned to [REDACTED] at the ESC who commenced a review of the relevant documentation and interview of witnesses [REDACTED] on 23 March 2017.

22. The importance of these witness interviews related to how [REDACTED] name came to be on the form used to appoint [REDACTED] when [REDACTED] had not participated in any such process. The information provided by [REDACTED] was to the effect that I had asked [REDACTED] to sign a form for an administrative process and that she was unaware that the form [REDACTED] had signed was a HR form used to appoint [REDACTED] to the temporary AO2 position.

23. On 24 March 2017, [REDACTED] in the company of [REDACTED] attended a meeting at the CCC with [REDACTED]. The CCC running log contained the following summary of that meeting:

*Discussion re [REDACTED] matter. ESC investigation has uncovered that the appointment paperwork completed to appoint [REDACTED] has been falsified. The signature of [REDACTED] has been falsified, and [REDACTED] advises [REDACTED] was told (ordered) to sign a document that later transpired to be a panel report. [REDACTED] advises that [REDACTED] was not part of the panel.*

*ESC also advises that the paperwork, including a copy of [REDACTED] resume was completed on 4 May 2016 which is itself is usual (sic), this aspect and how the paperwork came to be completed will require further investigation.*

*CCC will consider this matter and discuss further with ESC re our s48 CCA involvement.*

24. Of note, there was absolutely no evidence that the signature of [REDACTED] had been falsified. In fact, [REDACTED] signature was not even on any of the documentation, and it was in fact my signature as the authorising officer which was on the documentation.

## CCC Investigation

25. On that same day, 24 March 2017, the CCC made the decision to assume control of the investigation into this matter and referred the investigation to CCC [REDACTED] [REDACTED] and [REDACTED]
26. Between 24 March 2017 and 26 April 2017, several meetings were held between [REDACTED] and the witness [REDACTED]. Only one of these meetings is recorded in the CCC running log. On the evidence of [REDACTED] at the District Court trial on 21 October 2021, none of these face-to-face meetings were electronically recorded.
27. On 26 April 2017, [REDACTED] made a written application under [REDACTED] [REDACTED] [REDACTED] [REDACTED] This application was approved and signed by [REDACTED] [REDACTED] [REDACTED]
28. On Friday 19 May 2017, [REDACTED] completed an application for a 'Telecommunications Interception Warrant' under section 46A of the *Telecommunication (Interception and Access) Act 1979* (Cth) to intercept the phone calls from my mobile phone and office landline for a period of 19 days (See attached Annexure 'C'). This application was taken before Federal Court Judge Salvatore Vasta on 19 May 2017, however the application was not approved.
29. The basis of the application for a telecommunications interception (TI) warrant was set out by [REDACTED] at paragraph 11 page 3 of the application dated 19 May 2017 as follows:

*This application relates to the CCC corruption investigation code-named Operation Access. Operation Access commenced to investigate allegations that –*

- a) Two senior QPS officers have conspired and misused their authority to gain employment within the QPS for the [REDACTED] of one of those officers [REDACTED]*
- b) [REDACTED] was habitually taking leave, and [REDACTED] rosters and timesheets did not reflect the correct time [REDACTED] had worked.*

30. The TI Warrant application further stated that the offence I was suspected of committing was Misconduct in relation to public office pursuant to section 92A(1)(a) of the *Criminal Code Act 1899 (Qld)*.
31. On Saturday 20 May 2017 several articles were published in The Courier Mail and the Gold Coast Bulletin regarding the details of a confidential CCC investigation into the employment of [REDACTED] involving then [REDACTED] and myself (See attached Annexure 'D').
32. On Monday 22 May 2017, [REDACTED] submitted a further supplementary affidavit together with the newspaper articles published over the weekend to Federal Court Judge Vasta. [REDACTED] in his supplementary affidavit stated:
- "It is my view, the articles provide further legitimate point of discussion between [REDACTED] and [REDACTED] regarding the upcoming conversation deposed to at paragraph 67 of my affidavit dated 19 May 2017".*
33. The TI warrant was then issued by Judge Vasta for a period of 19 days. Of note, there has been no records disclosed regarding the provision of the application for the TI warrant to the Public Interest Monitor (PIM) as required by section 7 of the *Telecommunication Interception Act 2009 (Qld)*.
34. On Tuesday 23 May 2017, the witness [REDACTED], at the request of CCC [REDACTED] covertly recorded a conversation with me in my office. This recording was provided to [REDACTED] on Friday 26 May 2017 and would later become the subject of – Charge 2 perjury.
35. Between 24 May 2017 and 22 June 2017, the CCC case officer [REDACTED] served notices to discover on no less than 14 banking institutions in a search for bank accounts held by me. [REDACTED] served further notices to discover on Heritage Bank in relation to all bank accounts held by me with that institution. This process was also repeated in relation to [REDACTED] and [REDACTED].
36. In the period between 15 May 2017 and 31 July 2017, CCC investigators interviewed numerous witnesses who all provided statements to the effect that there was nothing untoward or sinister in the appointment of [REDACTED]. The CCC had also intercepted 501 incoming and outgoing phone calls from my mobile phone during the 19-day warrant period. None of the intercepted calls elicited any evidence of any wrongdoing in the employment of [REDACTED].



[Redacted]

37. [Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

38. [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

39. [Redacted]  
[Redacted]  
[Redacted]

40. [Redacted]  
[Redacted]  
[Redacted]

41. [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

42. [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

43. [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

[REDACTED]  
[REDACTED]  
[REDACTED]

44. [REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]

45. [REDACTED]  
[REDACTED]  
[REDACTED]

46. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

47. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

48. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

## **Actions of [REDACTED]**

49. It is submitted that [REDACTED] engaged in unethical and unlawful practices during this investigation in order to attempt to secure a conviction. The following are some examples of these practices:

- (i) In his interview with former HR director [REDACTED] on 12 May 2017 [REDACTED] failed to disclose the existence of two (2) sets of appointment forms which had been generated during the appointment process for [REDACTED] in May 2016. His interview with [REDACTED] was misleading in that he only questioned [REDACTED] about one set of documents when in fact there had been two.
- (ii) As a result of the information provided by [REDACTED], [REDACTED] proceeded to make an application for a telephone interception (TI) warrant for which he completed a sworn affidavit. This affidavit contained numerous errors and inaccurate information and was produced to Federal Court Judge Vasta on Friday 19 May 2017. On this date, Judge Vasta did not approve the issuing of the TI warrant.
- (iii) Release of information to the media – Conveniently, on [REDACTED] several articles were published in the Courier Mail and Gold Coast Bulletin identifying a CCC investigation into a [REDACTED] around the appointment of [REDACTED] (see attached ‘Annexure D’).
- (iv) At the second District Court trial on Thursday 21 October 2021, [REDACTED] cross-examined by [REDACTED] in relation to the leaking of confidential information regarding the CCC investigation to the media (See Attached ‘Annexure F’). Of note is [REDACTED] response that the CCC were in fact aware of the information being leaked to the media however **neither [REDACTED] nor anyone else from the CCC conducted any investigation into that leak.**
- (v) On Monday 22 May 2017 [REDACTED] before Judge Vasta with a supplementary affidavit and a copy of the newspaper articles from the weekend attached. Judge Vasta on this occasion approved the issuing of the TI warrant for a period of 19 days in relation to my mobile phone.
- (vi) [REDACTED]  
[REDACTED]  
[REDACTED]

- [REDACTED]  
[REDACTED]
- (vii) [REDACTED] had been electronically interviewed by CCC officers on two occasions prior ([REDACTED]) to [REDACTED] statement being prepared. In neither of these interviews did [REDACTED] ever state that I had told [REDACTED] to insert the name [REDACTED] in the documentation [REDACTED] prepared for the appointment of [REDACTED]
- (viii) In an interview on 18 June 2018 with [REDACTED] DPP Prosecutor [REDACTED] [REDACTED] [REDACTED] retracted paragraph 18 of [REDACTED] statement as [REDACTED] was unable to say that I had told [REDACTED] to insert the name [REDACTED] on the paperwork for the appointment. [REDACTED]  
[REDACTED] [REDACTED]
- (ix) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- (x) The diary of QPS officer then [REDACTED] highlights he received authority to charge Stenner with the offences of 1 x Misconduct in Public office and 3 x offences of perjury from [REDACTED]  
[REDACTED] This authority was accompanied by a partial brief of evidence for his review. Of note, only 7 of the 24 statements had been obtained [REDACTED] at this stage and the [REDACTED]  
[REDACTED]
- (xi) [REDACTED] also met with [REDACTED] on 18 August 2017 in relation to my arrest. [REDACTED] QPS diary at p48 states:
- *“Discuss issue around police witnesses and need to have bail conditions therefore unable to use NTA. No contact (D/ID) with witnesses – all. Seriousness of offences 92A/perjury also considered in decision to arrest, use watchhouse bail. Not required to object to bail. Bail from watchhouse would be suitable. Possible later next week Thurs/Fri depending on review and my satisfaction of brief”.*
  - At p49 of QPS diary dated 21 August 2017: *Commence detailed review of full brief and commence review or recordings and transcripts.*

- (xii) [REDACTED] has stipulated to [REDACTED] the details for the need to arrest and charge me, including bail conditions and the inability to issue a Notice to Appear even before [REDACTED] has reviewed the material provided to him.
- (xiii) The CCC have previously commenced proceedings against persons by way of notice to appear and the same conditions relating to no contact with witnesses could have been achieved by including this direction in the suspension notice which was served on me the same day. The formalisation of any bail conditions could also have been achieved at the first appearance and did not require me to be arrested, charged and held at a police watchhouse.
- (xiv) There was no evidence which required my fingerprints or photograph to be taken at a police watchhouse and it is submitted that [REDACTED] has failed to exercise [REDACTED] discretion in the appropriate manner in commencing a proceeding by way of arrest.
- (xv) In the CCC running log, details of a meeting held between [REDACTED] [REDACTED], [REDACTED] and then [REDACTED] [REDACTED] in relation to '*stance taken by Stenner*'. This refers to my refusal to travel to the Brisbane Watchhouse from the Gold Coast to be arrested. This was conveyed to [REDACTED] by my legal representative [REDACTED] [REDACTED]
- (xvi) CCC running log indicates '*decision made that [REDACTED] will ring Stenner which is done after he makes a phone call to Assistant Commissioner [REDACTED] to request Stenner to ring [REDACTED]*'. Despite [REDACTED] being aware of and having communicated directly with my legal representatives previously, a deliberate strategy was employed to get a more senior officer and a person whom I knew [REDACTED] to call me in an apparent attempt to use [REDACTED] personal relationship and or seniority to have me surrender to the Brisbane Watchhouse.
- (xvii) Arrangements were subsequently made for me to be arrested at the Southport Watchhouse on 7 September 2017. The arrest and lodging at the Southport Watchhouse was electronically recorded by [REDACTED] who can be heard having a discussion with [REDACTED] who was also in attendance at the watchhouse for the duration of the arrest. During this discussion [REDACTED] discuss the need to get my husband, [REDACTED] to come across to the watchhouse where I was being held to '*let the media get them both on camera*'.



50. It is submitted the [REDACTED] has conducted this investigation with a high level of incompetence and has deployed the most extraordinary powers available to the CCC for the investigation into the employment of a temporary AO2 position for 3 months.
51. It is submitted that [REDACTED] has engaged in unlawful practices such as the insertion of false evidence into witness statements, either leaking confidential CCC information to the media himself and failing to investigate such a leak in a desperate attempt to secure the conviction of a senior Qld Police officer. Of note, [REDACTED] has since been promoted [REDACTED]
52. It is submitted that [REDACTED] in [REDACTED] acted contrary to section 57 of the CCA by not acting independently, impartially, and fairly at all times. It is further submitted that the actions of [REDACTED] may in fact constitute an offence under section 92 of the Criminal Code 'Abuse of Office'.
53. The actions of [REDACTED] in the investigation and pursuit of this matter, despite evidence being available to indicate no wrongdoing in the employment of [REDACTED] has caused me to be suspended from the QPS for over four (4) years thus far, my forced transfer from my position as the Superintendent Gold Coast District, my detention in a police watchhouse and the incurrence of significant legal costs, all of which amount to a significant detriment.

#### **Actions of [REDACTED]**

54. [REDACTED]  
[REDACTED]  
as it had been discovered that an incorrect file number had been referenced on the [REDACTED] [REDACTED] on 15 May 2017. This [REDACTED] [REDACTED] was approved [REDACTED] despite numerous witnesses having been interviewed in the months preceding confirming nothing untoward in the appointment process of [REDACTED]
55. A District Court hearing in relation to this issue was heard before Judge Moynihan QC on 18 November 2019. In his findings to dismiss the defence application, Moynihan J stated at paragraph 56:

*I find there is no jurisdictional error because the decision-maker was entitled, but not bound to take into account the up-to-date information in authorising [REDACTED] and consequently the July authority was valid.*

56. Diary notes of [REDACTED] highlight it was the decision of [REDACTED] who [REDACTED]  
[REDACTED]  
[REDACTED]
57. The conduct [REDACTED]  
[REDACTED] can be described as sarcastic and intimidating, and not at all impartial, independent, or fair (See attached excerpt from [REDACTED]  
[REDACTED])
58. An authorisation [REDACTED] to prefer charges of 1 x Misconduct in relation to Public Office and 3 x Perjury against me. This authorisation was left on the desk of [REDACTED] before [REDACTED] had even considered the partial brief of evidence in relation to the matter.
59. Decision by then DPP prosecutor [REDACTED] to withdraw 1 x Misconduct in relation to public office was conveyed to then counsel [REDACTED] by telephone. [REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED] It is strongly believed the CCC put pressure on the DPP to continue with the prosecution of the perjury charges.
60. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
61. It is submitted [REDACTED] a complete lack of impartiality and professionalism in his conduct as outlined above. The fact that [REDACTED] [REDACTED] [REDACTED] without considering any of the recent evidence obtained since the original authorisation was made, [REDACTED], [REDACTED]  
[REDACTED] then signed an authorisation to prefer charges against me before all evidence had been obtained or even provided to the arresting officer demonstrates a clear lack of impartiality and a willingness to engage in inappropriate conduct to obtain a desired outcome.
62. It is submitted that [REDACTED] acted contrary to section 57 CCA by failing to at all times act independently, impartially, and fairly in the investigation and continued prosecution of these matters against me.

#### **Actions of [REDACTED]**

63. [REDACTED] participation in the strategy to usurp my legal representative and have me contacted by [REDACTED] on 6 September 2017;
64. My arrest at the Southport Watchhouse where I was held for up to two hours, searched, fingerprinted and photographed in contravention of section 365(a) – (1) of the *Police Powers and Responsibilities Act 1998* (Qld). At this time, I had 26 years' service, no previous criminal history or internal discipline history and had been awarded the Australian Police Medal earlier that same year.
65. Arrest of a person should be a last resort and consideration should be given to commencing a proceeding by way of a Notice to Appear – as per QPS Operational Procedures Manual s 3.5.9 'Justification for Arrest'.
66. It is submitted that [REDACTED] has failed to properly consider all material relevant to the investigation and exercise appropriate discretion prior to making the decision to arrest and charge me.
67. It is further submitted that [REDACTED] acted unlawfully in arresting me on 7 September 2017 and depriving me of my liberty at the Southport Watchhouse when clearly within both legislation and policy, a notice to appear should have been issued. There is no power of arrest in relation to the offence of perjury and the decision to physically arrest me for the offence of Misconduct in relation to public office was done outside QPS Policy and the provisions of the PPRA.
68. The decision to physically arrest, hold and process me was an unnecessary abuse of power and can be said to have been heavily influenced by [REDACTED] authorisation to prefer charges and the specific instructions given by [REDACTED] even before [REDACTED] had considered the partial brief of evidence. It would also appear that my arrest was motivated by a desire to have the media record the arrest as there was a media pack waiting in the driveway of the Southport Police Station upon my release from the watchhouse.

#### **Actions of [REDACTED]**

69. Participation in the strategy devised on 6 September 2017 to usurp my legal representative and arrange for my arrest on 7 September 2017 (conversation between [REDACTED] and Stenner recorded). It would appear this strategy devised by the CCC and QPS officers was intended to have me attend the Brisbane Watchhouse where no doubt the media would have been waiting.

70. Whilst I was being held in the Southport Watchhouse on 7 September 2017, [REDACTED] [REDACTED] was present for the duration of the arrest at the watchhouse. A recording made during that time by [REDACTED] has the voice of [REDACTED] requesting an officer from the watchhouse to contact my husband, [REDACTED] at the Station to *'let the media get them both on camera'*.
71. It is submitted the involvement of [REDACTED] who was known to me as a friend and senior colleague, was done deliberately to usurp contact with my legal representative.
72. It is further submitted that the actions of [REDACTED] at the Southport Watchhouse indicate a willingness to participate in the release of information to the media to boost the profile of a CCC investigation.

#### **Actions of [REDACTED]**

73. At the District Court trial held on 31 May 2021, [REDACTED] was present in the court room throughout the entire trial. This officer was observed to leave the court room after each witness had given evidence and was seen speaking directly to the investigating officer [REDACTED] (prior to him giving evidence).
74. At the second District Court trial which commenced on 18 October 2021, [REDACTED] [REDACTED] was again present for each day of the trial and was again observed in the court room whilst each witness gave evidence and was cross-examined. [REDACTED] was again observed to leave the court room after each witness and seen speaking directly with the investigating officer [REDACTED] (who had not given evidence in the trial at that stage).
75. On Wednesday 20 October 2021, defence solicitor [REDACTED] approached prosecution witness [REDACTED] in the precincts of the court to speak to her in relation to possible character evidence. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
76. It is submitted that there is no property in witnesses and the actions of [REDACTED] [REDACTED] in attempting to speak with prosecution witnesses were lawful. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

77. The details of CCC officer [REDACTED] behaviour and telecommunications with witnesses were brought to the attention of [REDACTED] who indicated he intended to report the matter to the PCCC.

### **Lack of Impartiality by the Office of the Director of Public Prosecutions**

78. A total of four (4) prosecutors were assigned to the prosecution of these matters over the past 4 years [REDACTED]  
[REDACTED]

79. [REDACTED]  
[REDACTED]  
[REDACTED]

80. On each occasion, defence representatives submitted the requested submission and on each occasion after a period of time the submission was rejected. In the case of [REDACTED] [REDACTED] the decision was also apparently made to remove [REDACTED] from any further involvement with the matter.

81. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

82. It is submitted in this matter that the inference could be drawn that the CCC has exerted inappropriate pressure on the DPP to proceed with the prosecution of these matters against me.

83. It is further submitted that the DPP has failed to act impartially and with full consideration of the evidence available in conducting two full District Court trials at great expense to myself and contrary to the public interest of the people of Queensland.

### **Summary**

84. The purpose of this submission is twofold. Firstly, an endeavour to repair to the greatest extent possible the extensive reputational harm to myself and secondly, that no other member of the QPS (or for that matter any other person) is subject to the same incompetent and biased treatment by the CCC.

85. The investigation into this matter by the CCC was flawed from the outset. An assumption was made that I had acted dishonestly based on the reference to [REDACTED] on the appointment documentation relating to [REDACTED]. The most basic of investigations would have quickly established that:



- i) [REDACTED] appointment was entirely appropriate;
  - ii) The identity of the administrative staff who incorrectly completed the documentation;
  - iii) That I had signed the documentation without reading it (a not unusual practice for Police managers); and
  - iv) That the reference to [REDACTED] was an error and had no relevance to the appropriateness of [REDACTED] appointment to a temporary AO2 position.
86. Instead, the investigation progressed to include:
- i) Telephone interceptions;
  - ii) Checks of personal bank accounts;
  - iii) Coercive hearings;
  - iv) A police [REDACTED] at the instigation of the CCC, was provided a secretive keyring recording device to covertly record a conversation with me; and
  - v) The unlawful (in my view) leaking of confidential CCC investigative information to the media.
87. The most basic aspects of investigative processes include not making assumptions, objectivity and checking believed facts were not done, and what followed, was an abuse of the CCC's extensive powers and an unjust prosecution.
88. It is submitted that the CCC's actions in the investigation and pursuit of allegations against me have failed to meet the standards expected of this organisation in acting impartially, independently, and fairly at all times.
89. In light of the recent PCCC inquiry into the charging of former councillors of the Logan City Council, there are clear similarities in the actions taken by police officers seconded to the CCC in deciding to not only charge me but to physically arrest and detain me at a police watchhouse for what was essentially a HR matter and an administrative mistake on a form.
90. It is submitted [REDACTED] has become personally invested in pursuing a prosecution against me, demonstrated by [REDACTED] actions throughout the investigation. [REDACTED] lack of impartiality and [REDACTED] has directly influenced the decisions made by CCC officers and QPS officers seconded to the CCC involved in this matter.

## **Relevance to the Commission of Inquiry**

Clause 3 of the Order in Council:

- 91. (a) structure of the Crime and Corruption Commission (CCC) in relation to use of seconded police officers:

- i) Material referenced in this submission identifies the actions of QPS officers [REDACTED] who were at the time of this investigation seconded to the CCC;
  - ii) This material is indicative of the lack of independence in decision making demonstrated by officers seconded to the CCC and in receipt of ‘authorisations to prefer charges’ [REDACTED]
  - iii) Despite repeated public statements made by [REDACTED] [REDACTED] that the CCC was not a prosecuting authority and that they relied on the independent assessment of evidence by QPS officers seconded to the CCC before commencing proceedings, it is evident these statements are in fact false; and
  - iv) The material highlights the level of control exerted by the CCC in the deployment of the most extraordinary investigative powers and a willingness and ability to influence the decision-making process of QPS police officers seconded to the CCC.
92. (b) legislation, procedures, practices, and processes relating to the charging and prosecution of criminal offences for serious crime and corruption in the context of CCC investigations:
- i) Material in this submission clearly identifies the willingness of CCC investigators, the Chairperson and counsel assisting at hearings to engage in conduct contrary to section 57 of the CCA which requires:
 

*‘The commission must, at all times, act independently, impartially and fairly having regard to the purposes of this Act and the importance of protecting the public interest’.*
  - ii) The deployment of what can only be described as the most extraordinary, invasive and costly investigative powers including, telephone interceptions, covert recordings, coercive hearings and the execution of search warrants for what was essentially a HR matter, an administrative error and as stated by DCJ Kent, ‘nothing more than interesting bureaucratic bungles’;
  - iii) The continued use, and some might say misuse of these extraordinary powers for what can only be described as trivial matters, has the potential to further erode public and organisational confidence in this oversight body’s ability to investigate, prosecute and deter serious corruption and serious criminal offences.
  - iv) The inference of direct interference by the CCC with the DPP’s decision to continue the prosecution despite several senior prosecutors indicating a desire to discontinue proceedings. Such inferences have the potential to do long-term reputational damage to both the DPP and the CCC; and

- v) The level of influence exerted by CCC officers over QPS police officers to act contrary to QPS policies and provisions of the PPRA. There is evidence of a clear willingness of QPS officers seconded to the CCC to usurp their own organisational policies and guiding legislation to satisfy the requests of senior CCC officers.

93. (c) section 49 of the *Crime and Corruption Act 2001* (Qld):

- i) It is submitted this provision of the CCA does not provide any level of accountability on the CCC for the actions taken in the investigation of a complaint or information involving corruption;
- ii) The provision provides at subparagraph (2) that the CCC ‘**may** report on the investigation’ to those entities identified in (a) – (f), however this specifically excludes the Director of Public Prosecutions and the department or agency who owns or has responsibility for the person subject of the investigation;
- iii) This provision thereby precludes any transparency of the investigative processes employed by the CCC or consultation with the DPP or owning agency before commencing prosecution proceedings or disciplinary action against a person;
- iv) This submission contains material which supports the need for the CCC to report on all matters they are considering commencing prosecution proceedings for. Such report may be made to the Director of Public Prosecutions and/or a separate committee comprised of suitably qualified persons who are able to independently assess the relevant material and provide a recommendation on whether to commence prosecution or disciplinary proceedings or not; and
- v) Given the significant personal impact and public expenditure associated with these types of investigations, it is paramount that the highest level of scrutiny be applied to ensure the extraordinary resources available to the CCC are being deployed in a manner consistent with the principles of justice and the detection of serious corruption and criminal offences.

### **Personal Impact**

- 94. It is necessary to briefly discuss the human cost which has resulted from the CCC’s over-zealous and incompetent investigation and prosecution of matters against me.
- 95. Prior to this investigation in 2017 I had never been the subject of a criminal or disciplinary complaint in my 25 years of service in the QPS. I had represented the QPS on numerous inter-governmental steering committees and was the recipient of internal

and national recognition awards including the Australian Police Medal in January 2017. I was promoted to Superintendent at 41 years of age and according to written statements obtained from a former Commissioner and Deputy Commissioner of the QPS, had the potential to achieve the senior executive rank of Assistant Commissioner or higher.

96. Since this investigation in 2017, I have been suspended from the QPS until 29 December 2021 and I remain stood down whilst an internal investigation is now undertaken by the QPS regarding the same matters which I have been prosecuted for and acquitted of. I have suffered professional and public ridicule and embarrassment, have been transferred from my position in the QPS, missed out on countless promotional opportunities and incurred significant financial costs associated with defending myself against the allegations made by the CCC. My family and I have suffered immense stress over the past 4 ½ years, which could all have been avoided if the CCC had undertaken a thorough, competent, and unbiased investigation of the allegations.

97. The desire of the CCC to secure a conviction against a senior female QPS police officer has, in my opinion, driven the blind ambition of those involved, to the extent that CCC officers including the former Chairperson as well as QPS officers seconded to the CCC, deliberately disregarded and altered evidence which did not favour their agenda.

## Conclusion

98. It is submitted that the material provided in this submission clearly indicates the need for significant reform to the structure, operational management, and investigative practices of the CCC.

99. All the material referred to in this submission including recordings, transcripts, diary notes and relevant applications can be made available to Commission of Inquiry for their consideration in conjunction with this submission.

100. Should the Commission of Inquiry require further information in relation to any matter contained in this submission, I may be contacted on [REDACTED]



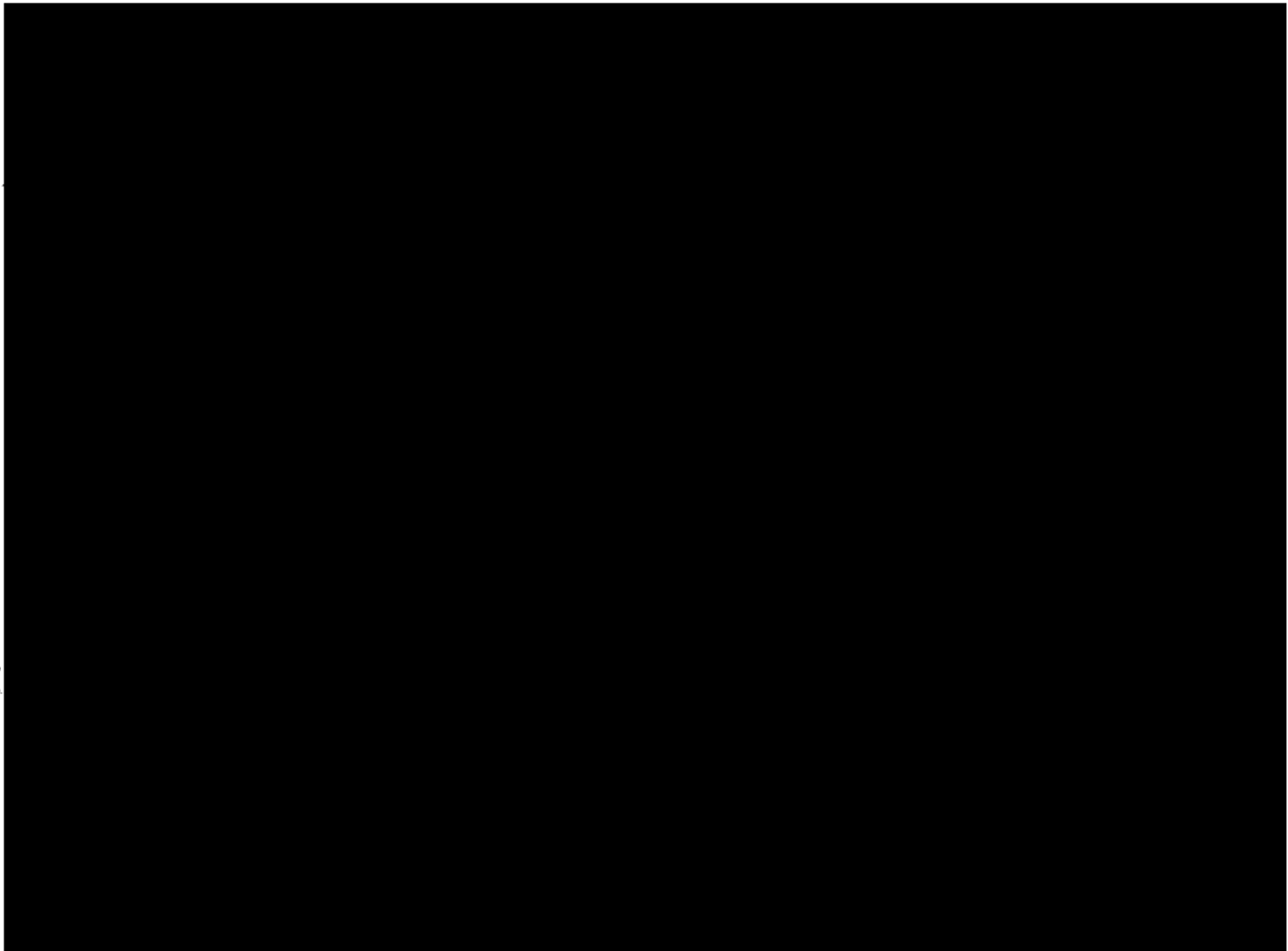
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Michelle Stenner

Michelle Stenner

Michelle Stenner  
25 March 2022

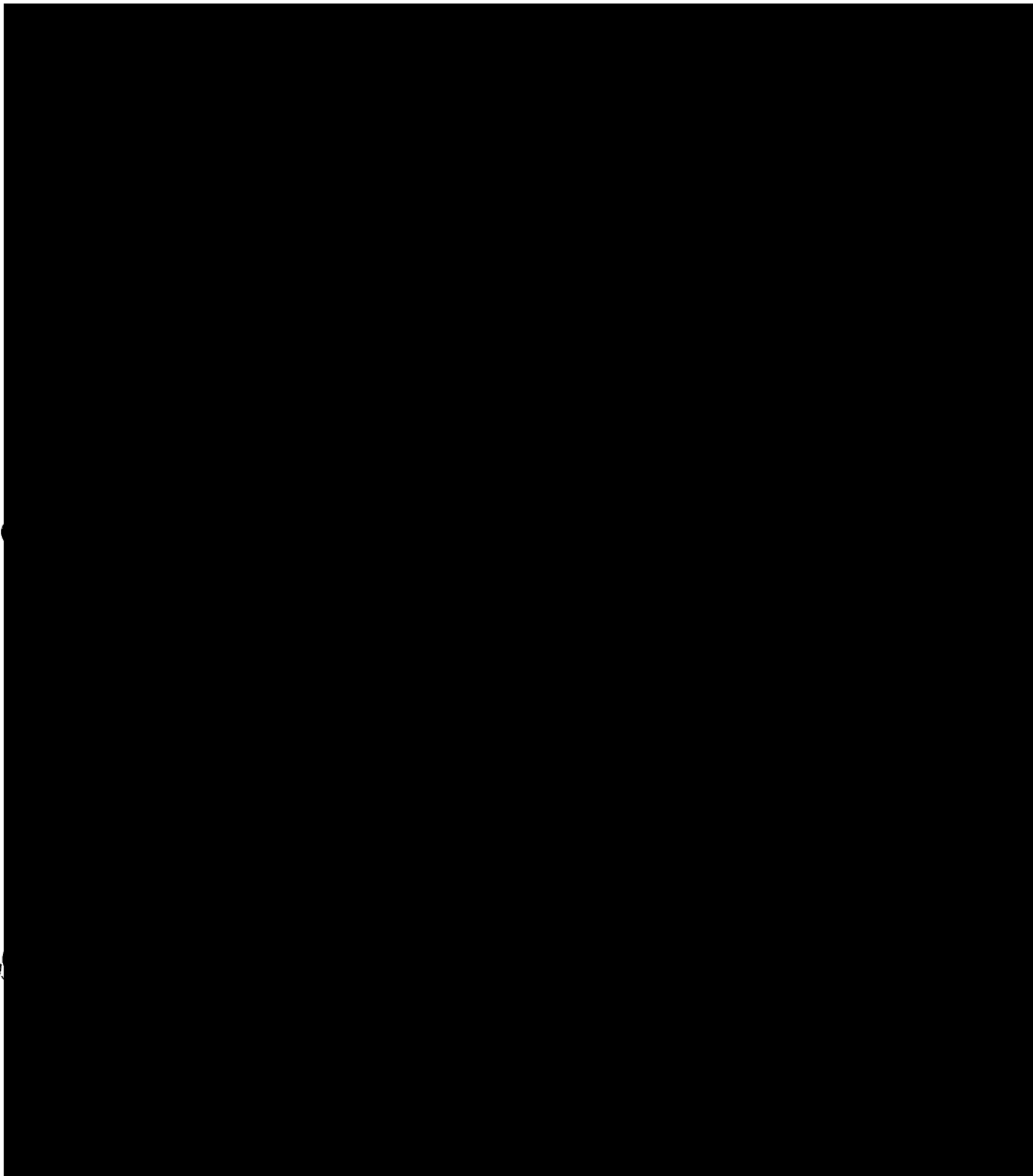


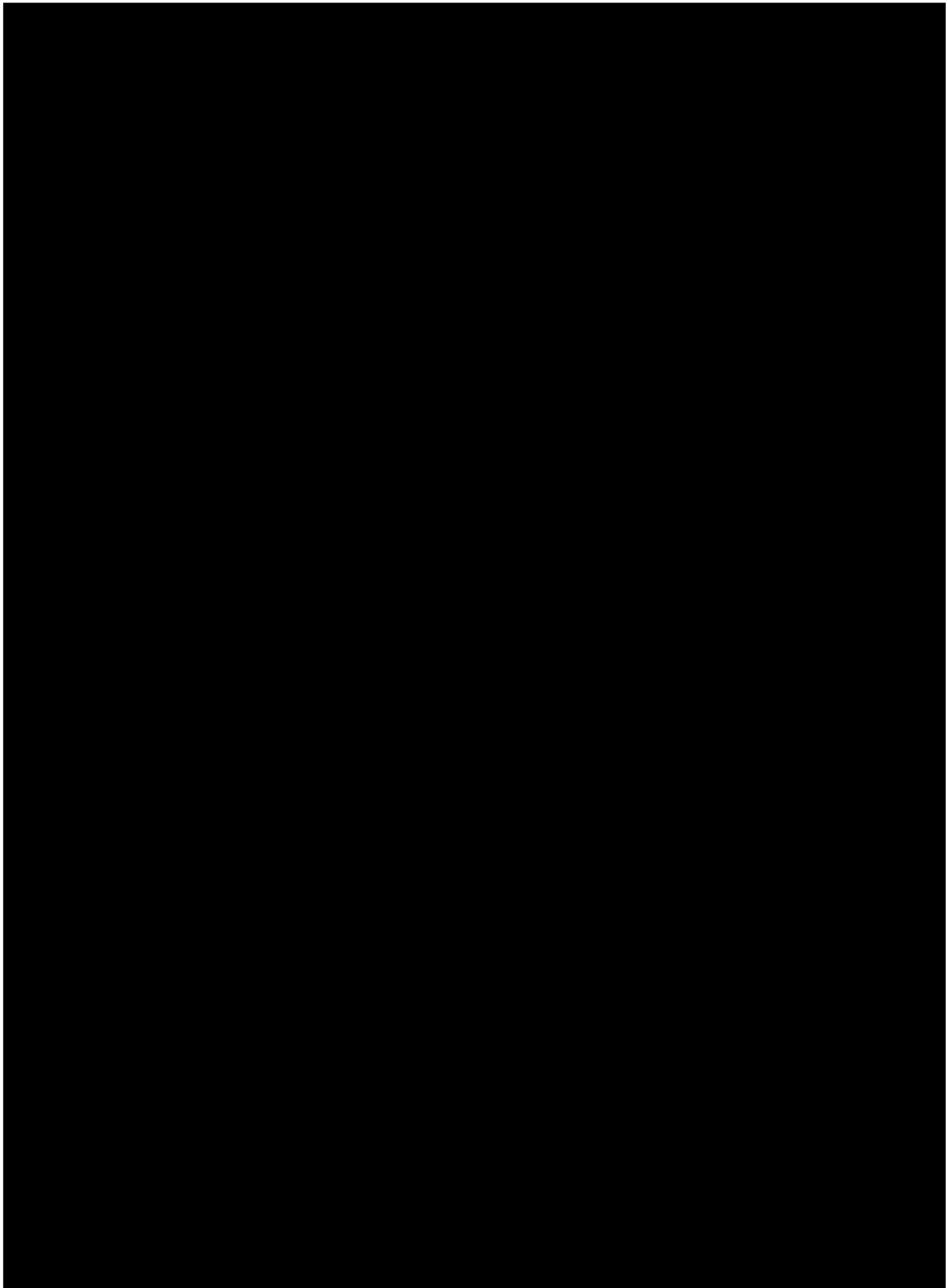
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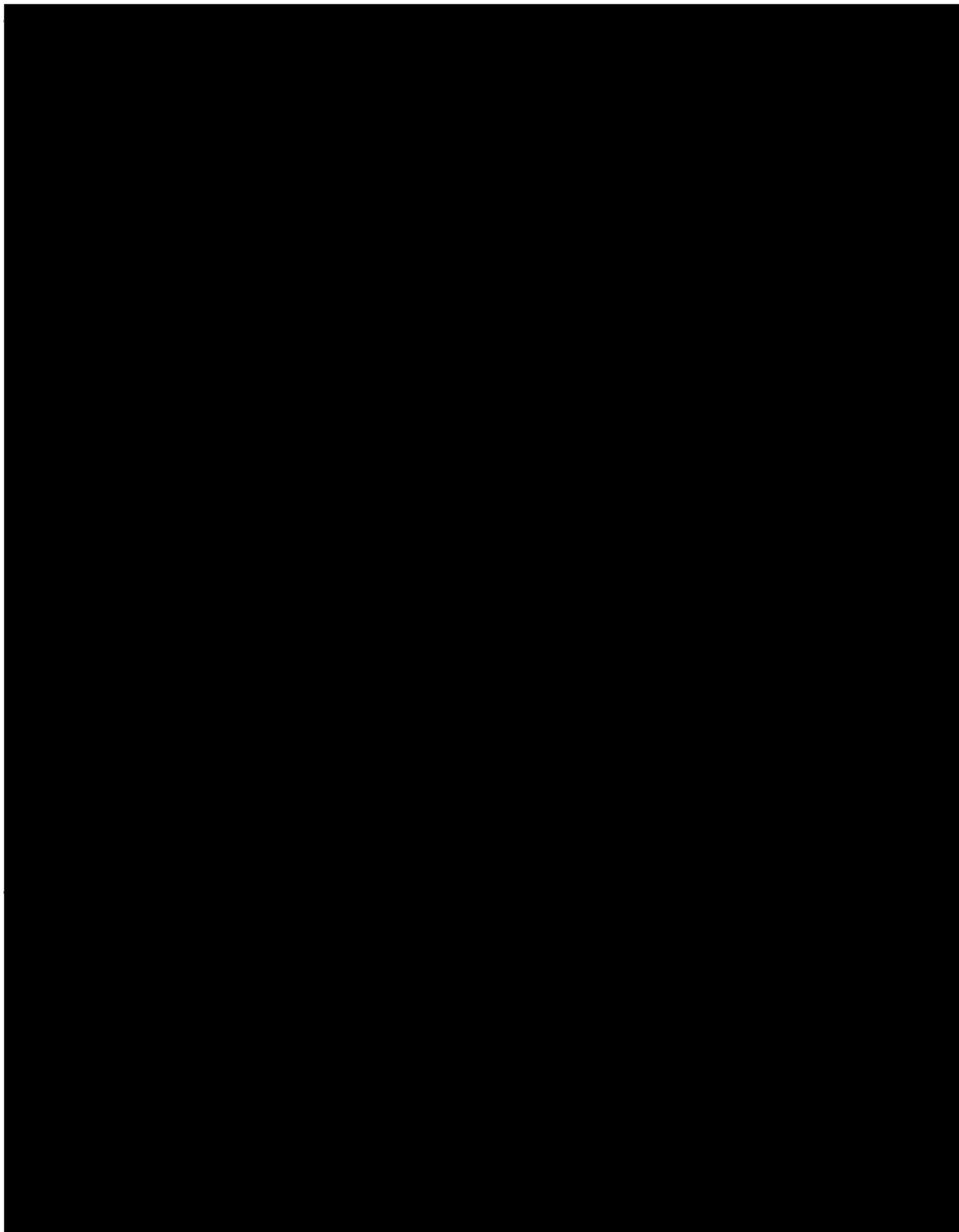
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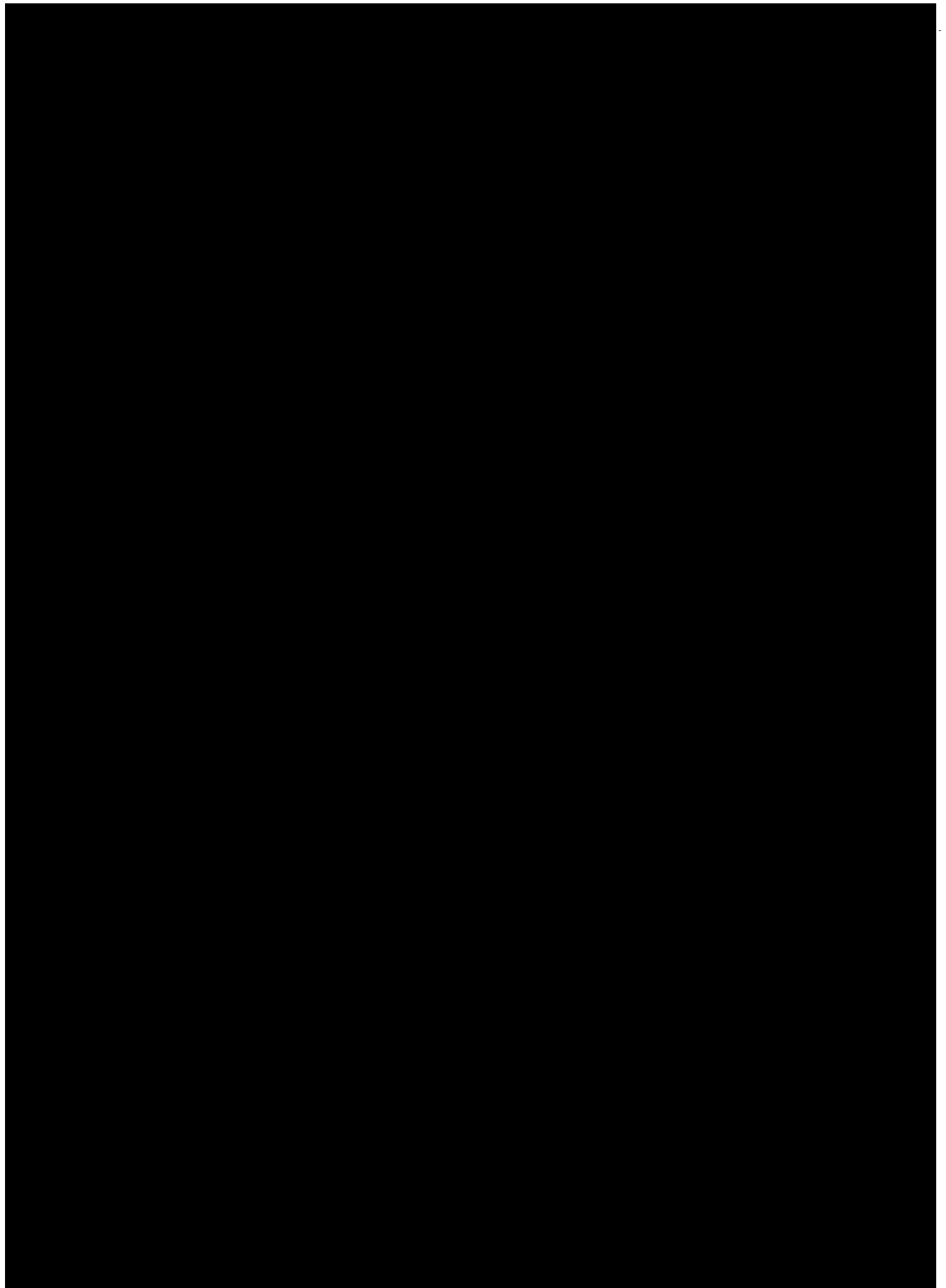




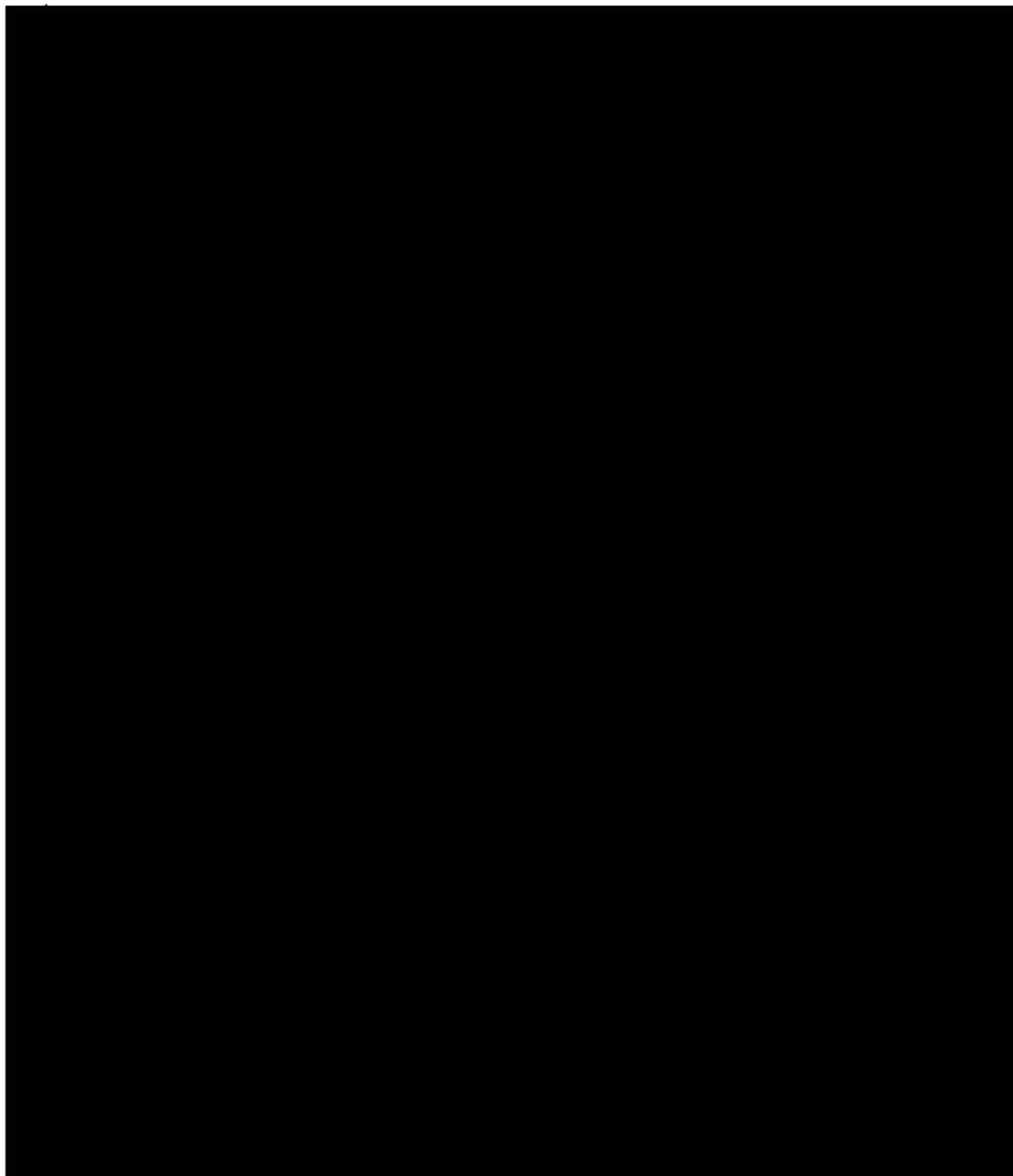


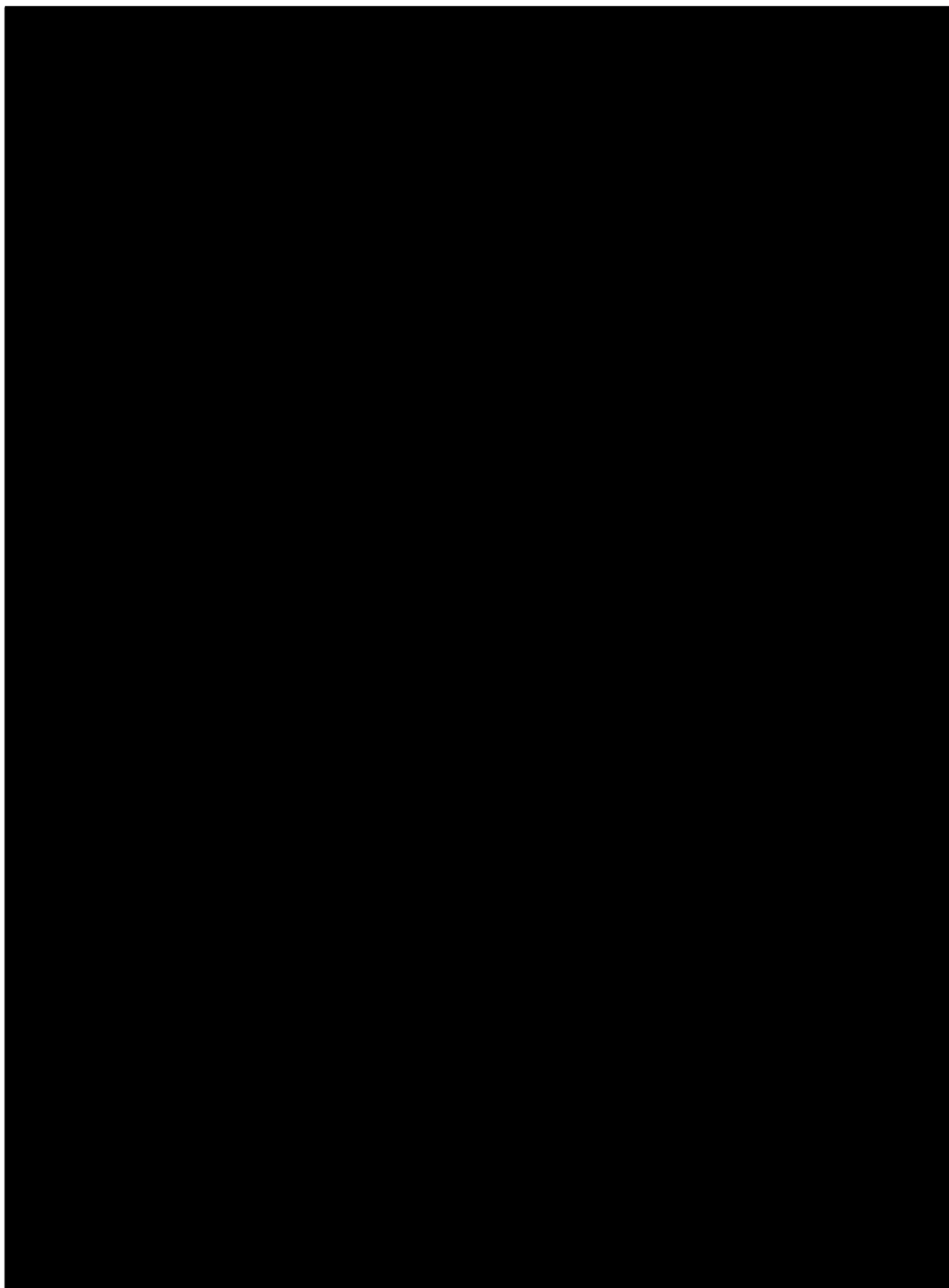












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