

'The CCC has a statutory duty to act independently, impartially and fairly, in the public interest, having regard to the purposes of the CC Act'

CCC publication, 2017

'The Crime and Corruption Act 2001 sets out our agency's primary functions, powers and governance structure'

*CCC Public Report to the Parliamentary Crime and Corruption Committee
Activities of the Crime and Corruption Commission, 1 April - 31 May 2021*

'The commission may...review or audit the way the commissioner of police has dealt with police misconduct, in relation to either a particular complaint or a class of complaint...'

Crime and Corruption Act 2001

By its very design, the Crime and Conduct Commission (CCC) is wed to the mutual relationship it enjoys with the Queensland Police Service Ethical Standard Command (ESC). Via a steady and exponential number of complaints passed between the two, both agencies preserve independent relevance, funding, and public confidence. The possibility of such a blatant bipartisanship would be impossible to imagine for any member of the public reading one of many publications by the CCC; glossy and professional documents sprouting transparency, ethical processes, and fierce independence. The reality is different. The reality is one where the Queensland community, regrettably, must again digest the corruption of trusted institutions. Moving this affiliation from suspect at best into the realm of criminal behaviour is the insufficiency of the flagship legislation of the CCC, the Crime and Corruption Act, in bringing either the CCC or ESC to heel.

To the Commission,

This submission highlights the clandestine existence in which the sister organisation of the Queensland Crime and Conduct Commission (CCC), the Queensland Police Service (QPS) Ethical Standards Command (ESC), operates, the deficiencies within the CCC in allowing unethical processes to continue, and how in doing so the CCC knowingly sanctions improper practice in order to maintain relevance and gain the associated funding. This collaboration is legitimised and propagated by the lack of intervention to any denotable level by QPS Commissioned ranks, the Queensland Police Service Union (QPSU), and other departments, despite numerous and consistent 'of the record' acknowledgements regarding the predetermined outcomes of ESC investigations.

ESC findings in the realm of lower policy breaches are where evidence cannot be tested in court, involve a revolving array of agendas, from simple department validation in maintaining a favourable win/loss ratio, to the far more concerning matter in the professional and political position of a complainant. The ESC juggernaut is a part of a First Year Constable's core curriculum. Existing members experienced in the system forewarn new constables with the inevitability they will at some point experience the QPS trademark practise of 'being thrown under the bus.'

An Enquiry weaponised

The Fitzgerald Enquiry laid bare the corrupt behaviour of groups and individuals and made recommendations that prompted significant legislative changes and policy safeguards to both empower the police service to maintain a higher level of integrity and in turn begin to mend the confidence of the Queensland community.

The Enquiry findings have since demanded the QPS executive promote transparency, whilst simultaneously reshaping the face of the QPS; not a simple task given the anti-police, anti-authority global sentiment in recent years. As is the nature of law enforcement, it's a constantly shifting paradox policing the same community who via the election of Ministers also shape the general direction of service policy; due to social media and the instant manner in which individuals without qualification or vetting can take an entire organisation to task publicly without the need for substance let alone proof in their argument. An echo chamber such as this, left unanswered, undefended, only isolates 'rank and file' officers, and destroys morale at least in regard to pride in the service. That said, it's not just those employed in public relations that naturally seek out the path of least resistance, but all humans possess the evolutionary coding to avoid whatever is considered

harmful in their specific environment. For the CCC and ESC, this path is the forgoing of ethical practise in favour of positive department data and reputation.

The details of clandestine methods in which members are investigated and processed are kept not only from the public, but QPS members and the accused themselves. If required at a later date, those findings can be then offered up as neat, palatable, public placation. A simple Facebook post by the CCC, ESC, or QPS accounts announcing the investigation or termination of an officer keeps those in the community who still demand to be notified of such matters nourished in their anti-police beliefs and maintains the thinnest veneer of transparency and integrity those in many professional positions demand in order to maintain the virtue signalling representation of the service that has kept them afloat to date.

Giving consideration to there being active members within the ESC, Queensland Police Service Union (QPSU), and CCC, who were serving well within the period of the QPS restructuring post Fitzgerald Enquiry, it's no surprise the organisation still echoes the panic and rush to compliance that no doubt emerged in the early days of the enquiries recommendations. This panic when convenient produces, a swift, in-house investigation and finding against any accused, the results of which can be offered out to the media and other agencies as proof of the unquestionable integrity of the QPS.

Exerts from CCC sourced material highlights the organisation's legislative responsibly in developing, promoting, and auditing ethical practise across all Queensland government entities, including that of the QPS. Given the widespread misconduct of the QPS ESC the CC is so shameless in its failing to do so, implicates both agencies in a collusion of corrupt mutualisation.

At the time of this submission there is a push amongst the 'rank and file' to leave the QPSU in favour of private solicitors promoting themselves as independent representatives with no vested interest in union re-election, and QPS data-derived government funding – the legally honest counterbalance one expects from a labour union.

I expect the Commission will receive submissions from officers who have been subject to disciplinary measures for actions not at all related to their initial investigation. The anecdotes surrounding the manner in which ESC are able to close a file against a member are so beyond what's considered acceptable police practise, it would be comical if it weren't for the immense harm it causes the individual.

Crime and Corruption Act Part 2 Section 5

- (1) The Act's purposes are to be achieved primarily by establishing a permanent commission to be called the **Crime and Corruption Commission.**
- (2) The commission is to have investigative powers, not ordinarily available to the police service, that will enable the commission to effectively investigate major crime and criminal organisations and their participants.
- (3) Also, the commission is to—
 - (a) investigate cases of corrupt conduct, particularly more serious cases of corrupt conduct; and
 - (b) **help units of public administration to deal effectively and appropriately with corruption by increasing their capacity to do so.**

Specifically ambiguous

It doesn't require a law degree to recognise the very legislative definition of corrupt conduct is free to be utilised against any member, at any point throughout an accusation of misconduct, policy breach, or any endless combination of the two of the two. The ad hoc manner the ESC furnishes investigations makes any preparation for defence near impossible. The repeated reframing of an accusation, exceptionally broad nature of QPS policy wording, all leaves an accused member stripped of any real right of reply.

Of recent concern is the freshly updated QPS Media Policy in which members are now prohibited in either a professional or private manner, by public or private means, to make any comment on any political party on earth.

Queensland Police Service Use of Social Media Policy Version 1.1 – 2021

8.2 Use of social media for personal and non-work related purposes

*8.2.4 Members may be subject to disciplinary and/or legal action for improper use of social media in a personal and non-work related capacity including, but not limited to, when using their own name, a version of it, a person or persons name/s which is not their own (with or without permission) and/or pseudonym/s. A claim of anonymity may be irrelevant: see Comcare v Banerji [2019] HCA 23. Without limiting the circumstances where improper use of social media may apply, members must not: post criticisms of the government, a member of parliament or their respective party or policies, that raise questions about the member's capacity to work professionally, **effectively** or impartially as a Service member.*

Political discourse by its very nature is the debate of effectiveness. This one policy section breaches three Human Rights Charters alone. The ESC has no fear of the United Nations so I do understand the challenge met by the CCC.

██████████ posted a number of concerns to the QPS Media Workplace Facebook relating to this new media policy and following reply from a QPS ██████████ posted directly to the ESC page as ██████████ put it, they would be the department dealing with any breaches. There was no reply from ESC. ██████████ did however receive a telephone call in the following days from that same ██████████ stating the policy was "...less about what you can't do and more about what you can..." further sweetening the deal by saying no new offences had been created by the changes. As all QPS members know, 'it doesn't matter until it does'.

It's important to realise otherwise legal terms are interchangeable within the QPS. With no oversight, these terms only hold as much legal weight as the investigative officer wishes to place on them at the time. What is certain, is the true meaning of Corrupt Conduct laid out in the CCC's own governing legislation, the Crime and Corruption Act 2001, is broad.

Crime and Corruption Act 15 Meaning of corrupt conduct

(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—

(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—

(i) a unit of public administration; or

(ii) a person holding an appointment; and

(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—

(i) is not honest or is not impartial; or

(ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or

(iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and

(c) would, if proved, be—

(i) a criminal offence; or

(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—

(a) impairs, or could impair, public confidence in public administration; and

(b) involves, or could involve, any of the following—

(i) collusive tendering;

(ii) fraud relating to an application for a licence, permit or other authority under an Act with a [s 16] Crime and Corruption Act 2001 Chapter 1 Preliminary Page 32 Current as at 25 May 2020 Authorised by the Parliamentary Counsel purpose or object of any of the following (however described)—

(A) protecting health or safety of persons;

(B) protecting the environment;

(C) protecting or managing the use of the State's natural, cultural, mining or energy resources;

(iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;

(iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;

(v) fraudulently obtaining or retaining an appointment; and

(c) would, if proved, be—

(i) a criminal offence; or

(ii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

No honest officer believes if they were to find themselves at odds with popular public opinion a single QPS commissioned officer would risk their seat in the boat by publicly challenging a news headline, refuting a finding, or revealing the reality of policing – even if warranted, one's entire career is not a fair swap for defending a single officer's actions.

'The data also indicates that, contrary to claims by some officers...'

MONASH REPORT INTO THE INTEGRITY IN THE QPS, 1996

MONASH REPORT INTO THE INTEGRITY IN THE QPS, 1996

'A complaint was defined as personally motivated if the complaint was not substantiated and:

it related to an allegation of bias in the promotion system where the informing officer was an applicant;

it involved claims of attempts to discredit or intimidate, or allegations of personal harassment;

there was evidence of a personality conflict between the officers concerned; or,

the matters related to personal relationships or associations between the subject officer and the complainant.

Applying these criteria, 21 per cent of the informing officers in police against police complaints in 1991–92 and 19 per cent in 1994–95 appeared to have been influenced, at least in part, by some personal motive.

The data also indicates that, contrary to claims by some officers, most police-initiated complaints do not appear to be personally motivated.'

One in five complaints being found to have ulterior motives has never been written with such confidence.

'Claims made by some police concerning the role of personal motives therefore appear to have been exaggerated.'

Here, the seeds are again sown for the exclusivity of policy and procedure and the futureproofing of policy breaches as a means of promotion and control. There are few mechanisms for the QPS officer to ascend the ranks, among them: conceiving a new policy or policy amendment, creating an innovative program or solution, and displaying significant and successful examples of reprimand. For the latter, the sausage factory of assured results exists in the ESC.

'Public opinion is the only means by which the powerful can be controlled.'

In 2022, public opinion is the only means by which the powerful can wage control. Basing policy and program decisions on public opinion only guarantees the reworking of statistics to fit the current public narrative. Members subjected to an ESC investigation know the life-cycle of interrogation begins with a complainant and the gathering of evidence by that complainant or ESC. If an accused formally requests transparency of investigation in writing, the manner by which that evidence against them was sourced, or the complainant's version obtained, does not need to be shared with the accused at any stage.

This is sanctioned under the CCC's umbrella of **CC Sections 216 and 216A**; thoughtfully outlined in the 2020 CCC Publication **Corruption in focus, A guide to dealing with corrupt conduct in the Queensland public sector**:

'It is an offence to make a complaint that is vexatious or not made in good faith. If you decide to take no further action on this basis, you should advise the CCC, which can decide whether or not to take any action against the complainant. Do not write off a complaint simply because it is made anonymously, or because the complainant later withdraws the complaint. Although it may not be possible to rely on the complainant for evidence in either situation, the allegations should still be tested by other means if possible. Anonymity alone is not a sound basis for determining that a complaint is lacking credibility.'

'Anonymity alone is not a sound basis for determining that a complaint is lacking credibility.'

The accusing of [REDACTED] officers of unethical behaviour, with no further requirement for the complainant to be involved in any way, but for the investigation to continue unabated and without casting the accusation in the remotest of doubt. I do doubt however the members of State government had the legal rights of brave and anonymous individual's forwarding Facebook posts to ESC in mind when they presented the Public Interest Disclosure Act to parliament in 2010. I wasn't there, perhaps they did.

Further to the enduring contradictions by the QPS in cleansing the often horrid reality of policing is the public placation and punitive action against 'rank and file' via the CCC and ESC. In recent years,

no other executive decision by the QPS has been more detrimental to the perceived and real ability of the service to meet community expectations than the distorted optics and beyond unrealistic goal in the QPS Domestic Violence Strategy Initiative, ***Ending Domestic Violence in Queensland***.

No person possessing the slightest hint of logic, let alone a seasoned detective with experience in DV homicide would ever come to the conclusion ending domestic violence as the strategy claims is a remote possibility. As forecast and explained clearly in the enquiry report, in 1989, this is the type of promise that when broken, and due to the inherent violent nature of humans, is broken frequently, causes nothing but harm to all facets of the service other than the individual throwing the remaining thousands 'under the bus'. The result of such a commitment is obviously not without its benefits in both practise and funding, although there's no doubt other states have risen to the same challenge without knocking on the door of unhinged policy.

Path to Safety: Western Australia's Strategy to Reduce Family and Domestic Violence

The disconnect between operational policing and the still valid PR driven roles of the upper ranks was on display during the communicating of the investigative process and the policing mindset following the Camp Hill tragedy in which Hannah Clarke and her children Aaliyah Clarke, Laianah Clarke, and Trey Clarke, were senselessly murdered by their husband and father, Rowan Baxter.

The Guardian Australia:

A senior Queensland detective who said police were keeping an "open mind" as to whether the deaths of Hannah Clarke and her children were a case of a "husband being driven too far" has been stood aside from the investigation.

The Queensland police commissioner, Katarina Carroll, apologised on Friday for comments made by [REDACTED] as he appealed for information into the deaths the previous day, saying the detective was "gutted" at his choice of words.

The media blitz of paraphrasing was vast and the public response swift and damning.

The officer's full statement:

"Our job as investigators is to keep a completely open mind... We need to look at every piece of information and, to put it bluntly, there are probably people out there in the community that are deciding which side, so to speak, to take in this investigation."

Although not delivered in a tone suiting a grieving nation, the officer was communicating the true nature of police investigations and a panicking public is in no more need of blood than they are assurance. The Commissioner could just as easily have translated the reality of policing by explaining the investigative process in its warts and all approach in unearthing all evidence no matter how confronting the question or discoveries. What prompts any person to commit murder is what defines murder itself: motive. However, in absolute contradiction of the Fitzgerald Enquiry report the Commissioner publicly apologises for the officer's comments and immediately removes him from the investigation, going even further to share the officer was "gutted" with his comments and offered, "...a sincere apology for any hurt we may have caused" going on to state she would personally apologise to Hannah Clarke's family.

The Fitzgerald Enquiry: 1.2 Progressive social change

'...During this trauma and disorder, institutions can be damaged and individuals harmed. Expectations can be created which cannot be fulfilled, and this can lead to community disappointment and cynicism. The shock, panic and anger which follow an Inquiry such as this can produce over-reactions which unnecessarily disturb traditional systems and values, including civil rights. Great care needs to be taken to avoid such over-reaction. On the other hand, vested interests can respond with superficial, piecemeal measures which are worse than futile because they achieve nothing but a deceptive appearance of change. They help vested interests to avoid and subvert real reform while creating a new, attractive but hollow facade to hide the continuing misuse of power and misconduct. The facade may indeed be a more effective disguise, because it allays community concerns.'

'...The facade may indeed be a more effective disguise, because it allays community concerns.'

‘A police officer who is questioning a relevant person must not obtain a confession by threat or promise.’

PPRA s416 Questioning generally

The Investigative Method: Ethical Standards Command edition

All ESC investigations are performed by sworn QPS officers.

The THREAT

Officers are generally encouraged to comply with any finding and subsequent disciplinary direction from ESC. This is due to the huge number of members who hold a negative file within the ESC and given those sheer numbers has evolved the disciplinary process to be an accepted, natural, and unavoidable step in the progress of a QPS career. I can't recall an instance of ESC withdrawing a complaint once commenced.

When faced with a complaint either internally or external to the service, a member is warned against challenging a finding backed by the ESC, firstly by fellow officers, usually by immediate ranking officers, and [REDACTED] even the QPSU barrister. [REDACTED] the barrister advises there is no legal mechanism to challenge what is considered, at that stage of the investigation, a low level policy breach.

It is well established knowledge that if an accused is to resist an ESC allegation they are open, if the ESC desire and are not at all required, to have criminal proceeding commenced against them in the form of Failure to Comply with a Direction.

A respected [REDACTED] officer of immense experience once shared jaw-dropping examples of officers having an ESC investigation stagnate or appear to be on the precipice of proving their innocence only to have the ESC present entirely unrelated matters, finalising the investigation against the accused. I have no doubt if contacted, this officer would provide the commission far more insight than I could – it's entirely accurate to coin the phrase he's forgotten more than I know.

The PROMISE

As the groundwork to establish dominance is already complete thanks in main to cautionary advice given to junior officers, the next process is akin to a play on good cop bad cop:

Case study: The already weary officer is now the suspect in an ESC investigation. An email appears with an attachment header-titled ESC Intelligence. In the document totalling four pages, the word 'SENSITIVE' is capitalised in red no less than 15 times. There is a profile photograph of the officer. Complaint history and previous job roles are listed. The remaining document contains screenshots of alleged breaches online. Through the threat stage the accused officer establishes the mindset that the threat is too great and the mechanism for defence is all but non-existent.

The officer is reassured by ESC and QPSU simple policy breaches do not go effect future career pathways and bare no significance externally. The signing of the Local Management Resolution document stating the officer has been made aware of the relevant policy is all that's needed for the matter to disappear. With the threat of ESC powers and the behemoth of a para-military rank structure above them, the majority of officers sign the document. The matter is now finalised and a subsequent tick appears on an unknown data point, on an unknown system, for means only known to the ESC and CCC.

The INDUCEMENT

The final and most powerful aspect of the ESC unethical practise of finalising even Commissioner requested internal investigations: Disciplinary action, or as the ESC prefer to call it in order to seemingly comply with a long forgotten 70's enquiry against punitive measures, 'education'.

Education of the now guilty can take many forms but the most common is the direction to complete Online Learning Products (OLPs), multiple choice questions relating to policy and procedure. Each station in Queensland possesses an area where officers can find print outs of successful OLPs and look up correct answers - a practise known to occur from [REDACTED] down. When passed, the officer emails the results to ESC, and the file is closed.

OLPs are issued throughout the service regularly throughout the year in order to communicate new policies or reiterate problem policies. There is no negative connotation regarding their completion outside of ESC directed -re-education' aside from the widespread belief they are unnecessarily challenging way to legally bind officers to policy etc futureproofing any focus of criticism on the service to be easily redirected towards the individual officer.

In this step of the ESC process, the direction is given based on the integrity of an investigation whereby the accused is not made aware of the complainant's identity, no interview is offered to the accused even upon the request of the accused, no effort from the investigating officer is made to meet with the accused in person, and a slow and unpredictable regime of threats and intimidation wears down the accused into compliance.

This leaves a direction such as this to only hold weight purely through the coercive power given under the Commissioner's hand, through ESC, and with the preordained blessing of the CCC.

The Commission no doubt has a detailed understanding of the policing process including the requirement of all officers, regardless of their current office, to uphold the same Oath of Service to each and every officer commits themselves at the beginning of their career. It is here where I cannot find reasoning or excuse for any department, even one with the necessary powers of clandestine investigation of members such as ESC, to be comprehensively inaccessible when an accused save but beg be offered the most remote sense of transparency and fairness. Aspects of fairness that would otherwise be shown toward any other Australian citizen.

“We’re looking for people like you, with diverse backgrounds and life experience which reflects the community we serve. You need integrity, community values, professionalism and all times to show respect and fairness.”

Commissioner Katarina Carroll, policerecruit.qld.gov.au front page

ESC investigations: A one way street

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] It is not [REDACTED] intent to waste the

Commissions time with the validity of allegations made [REDACTED] but the purpose is instead to

highlight the unchecked manner in which the ESC operate through the deliberate ignorance of the

CCC in order to continue dealing in the currency of members careers.

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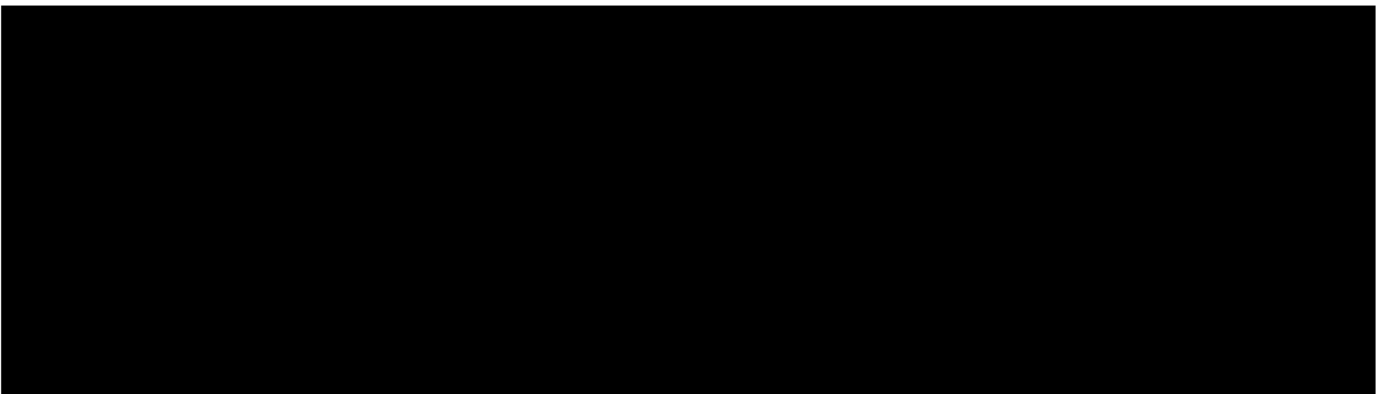
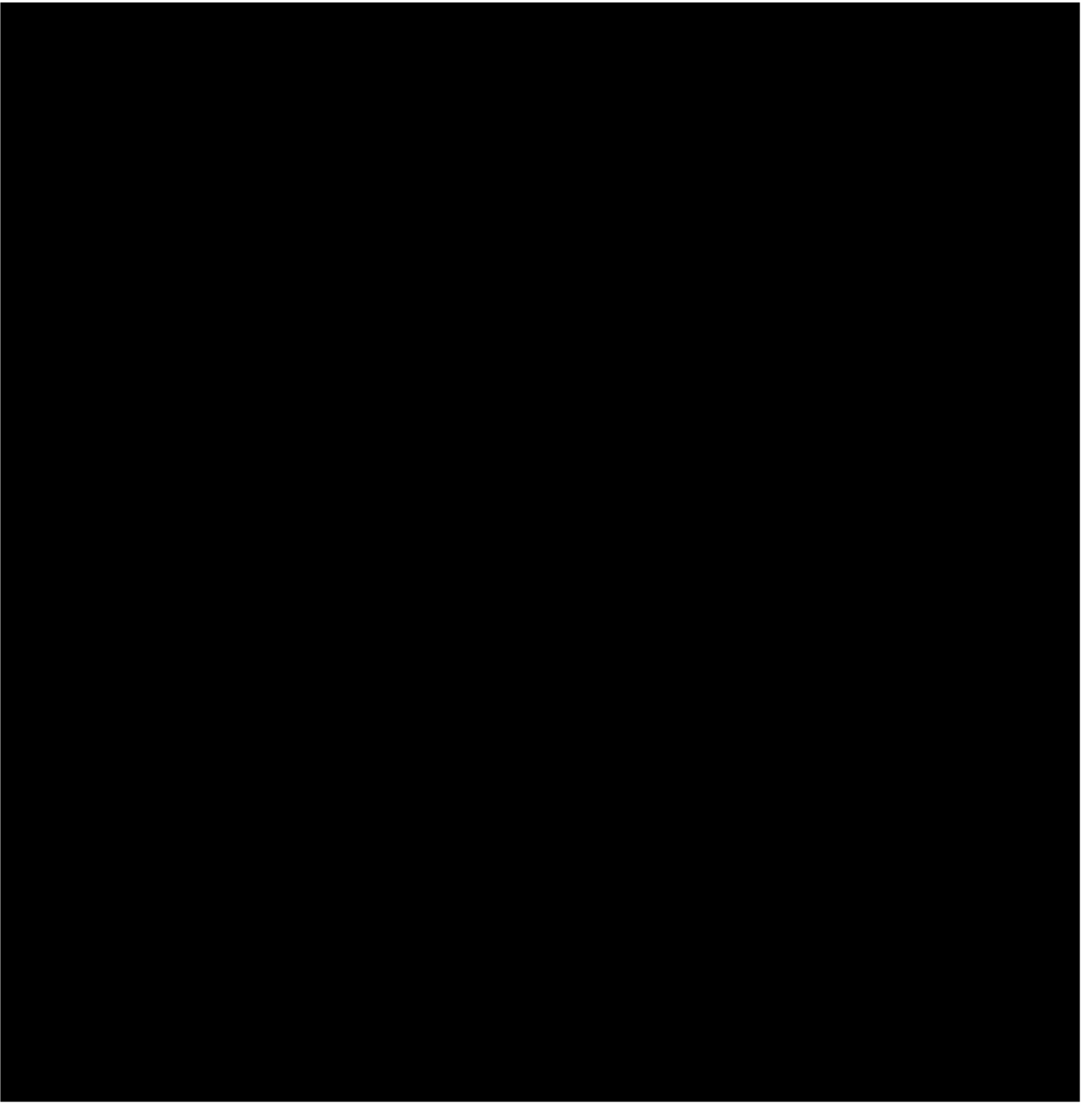
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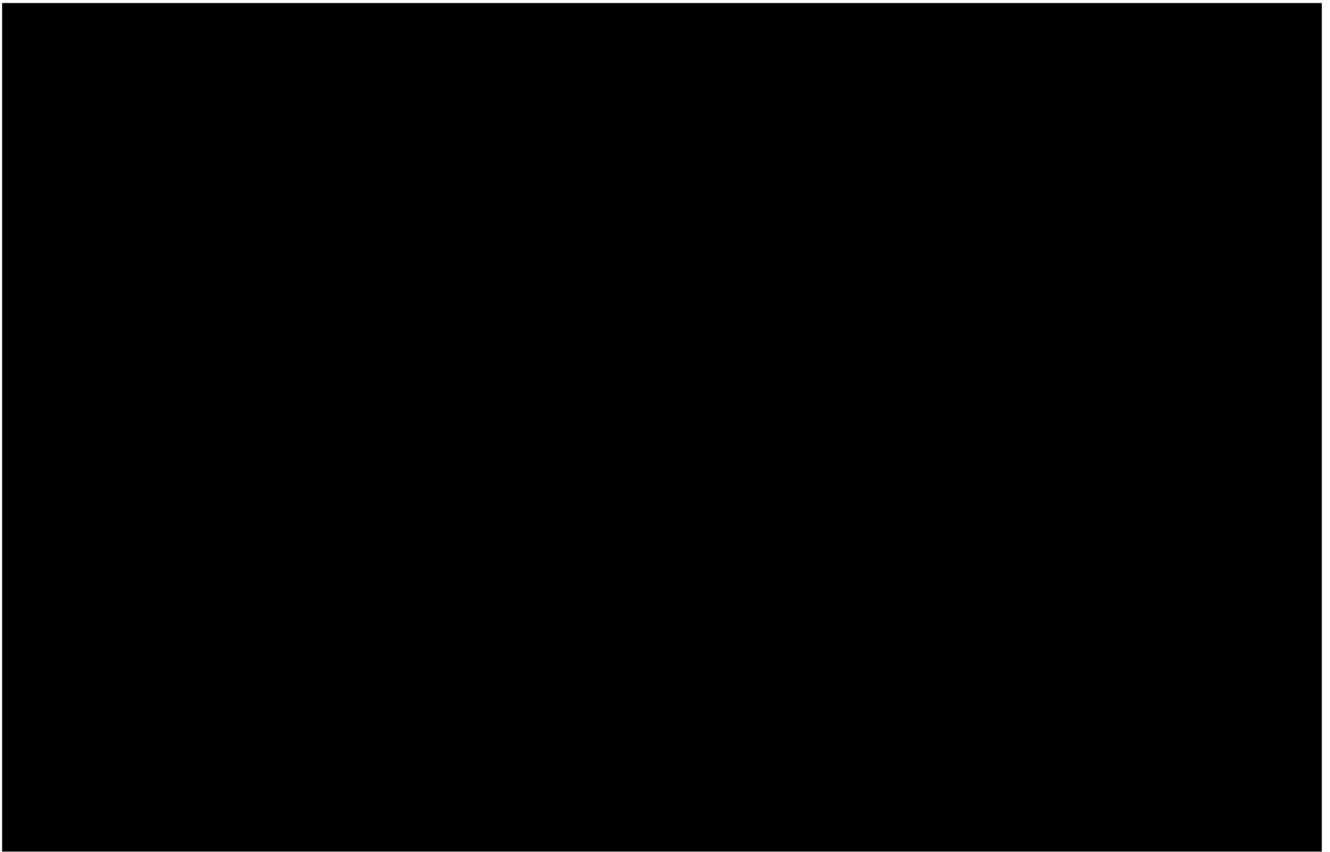
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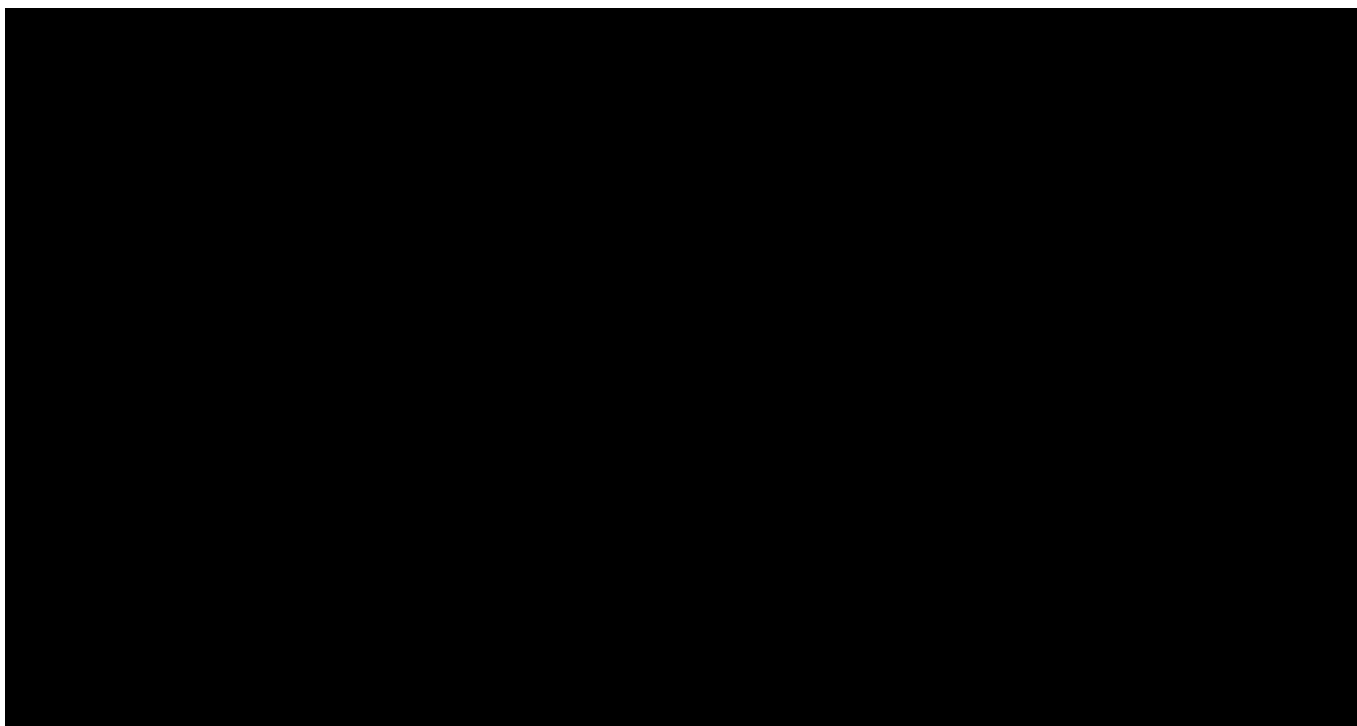
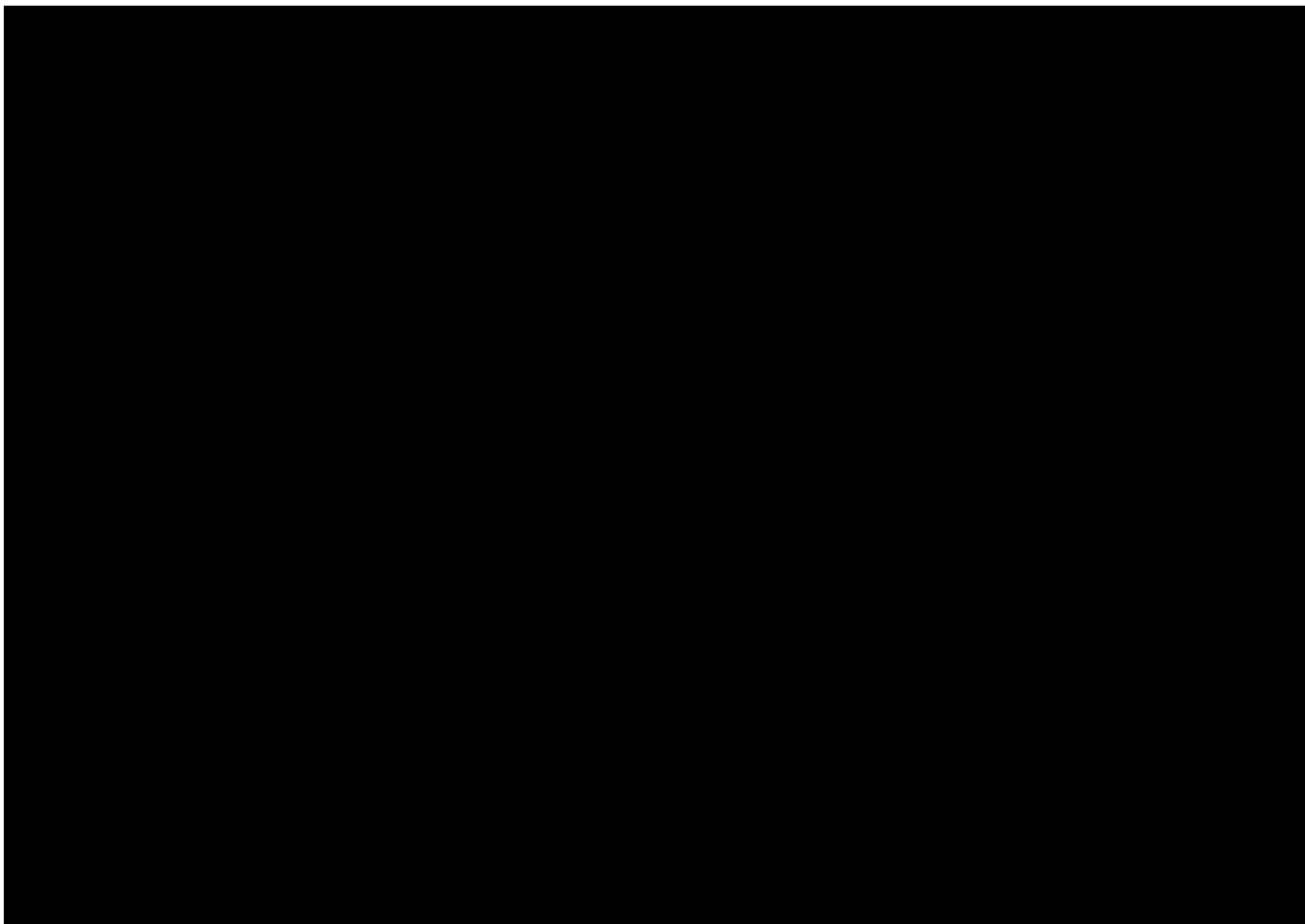
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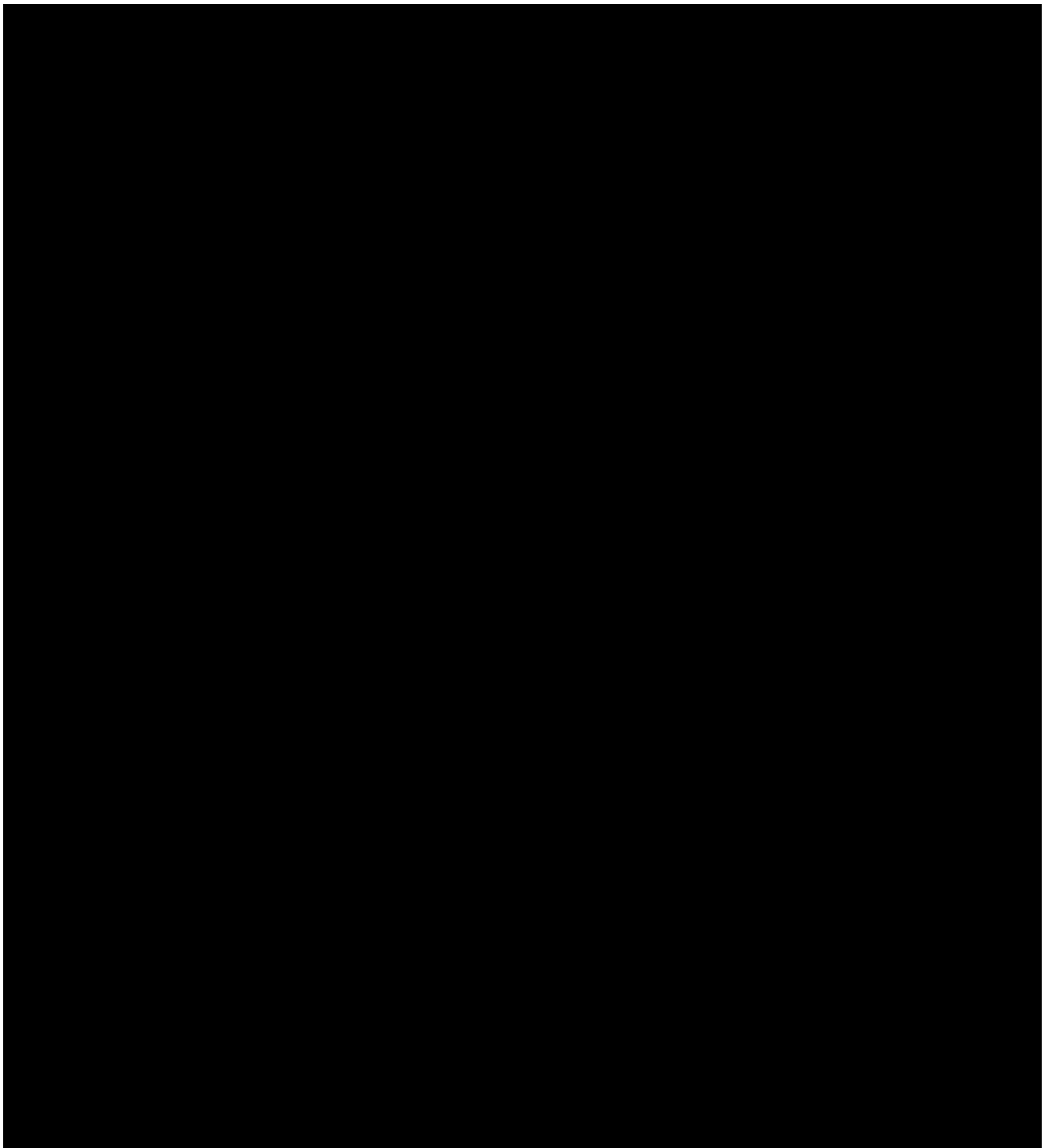
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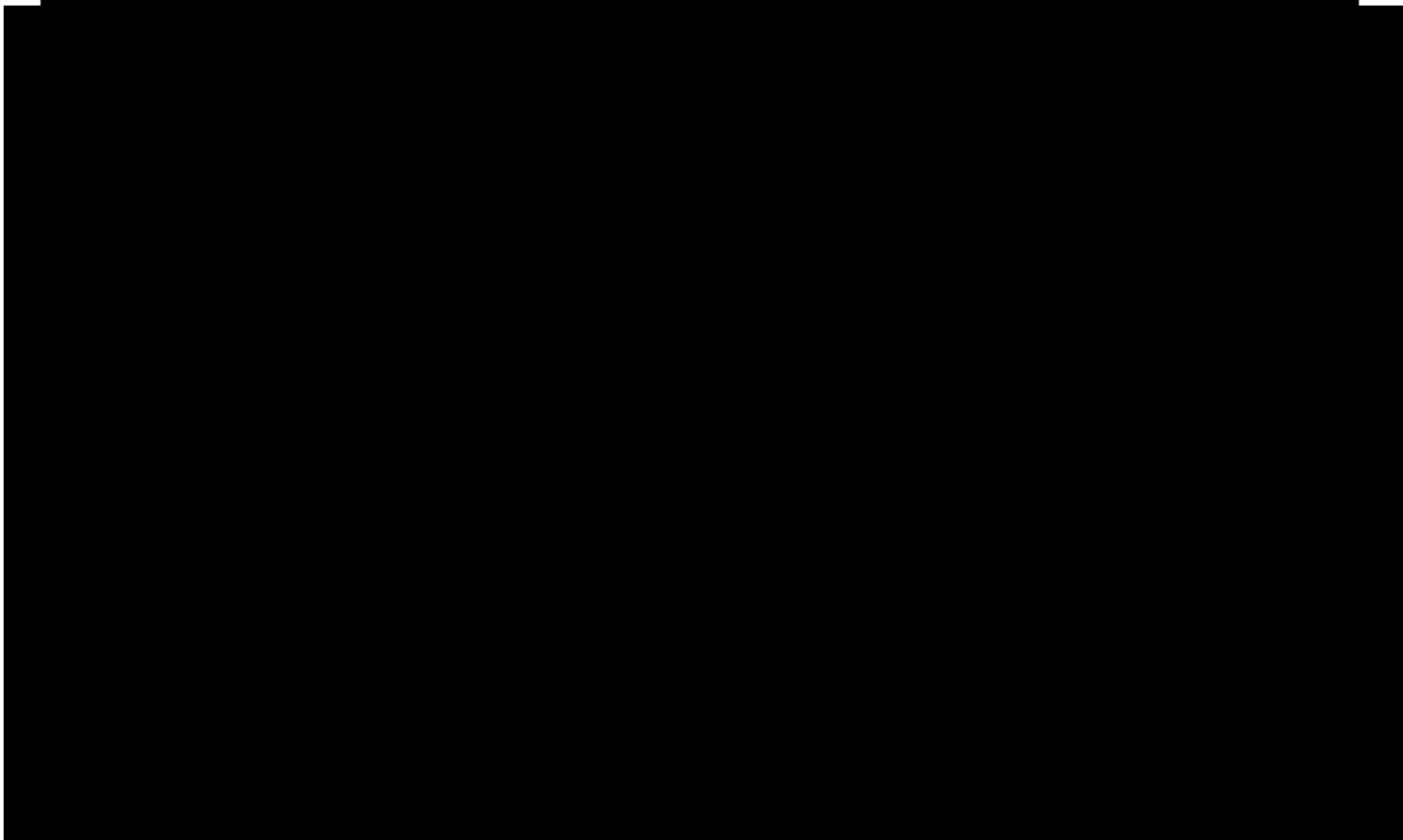
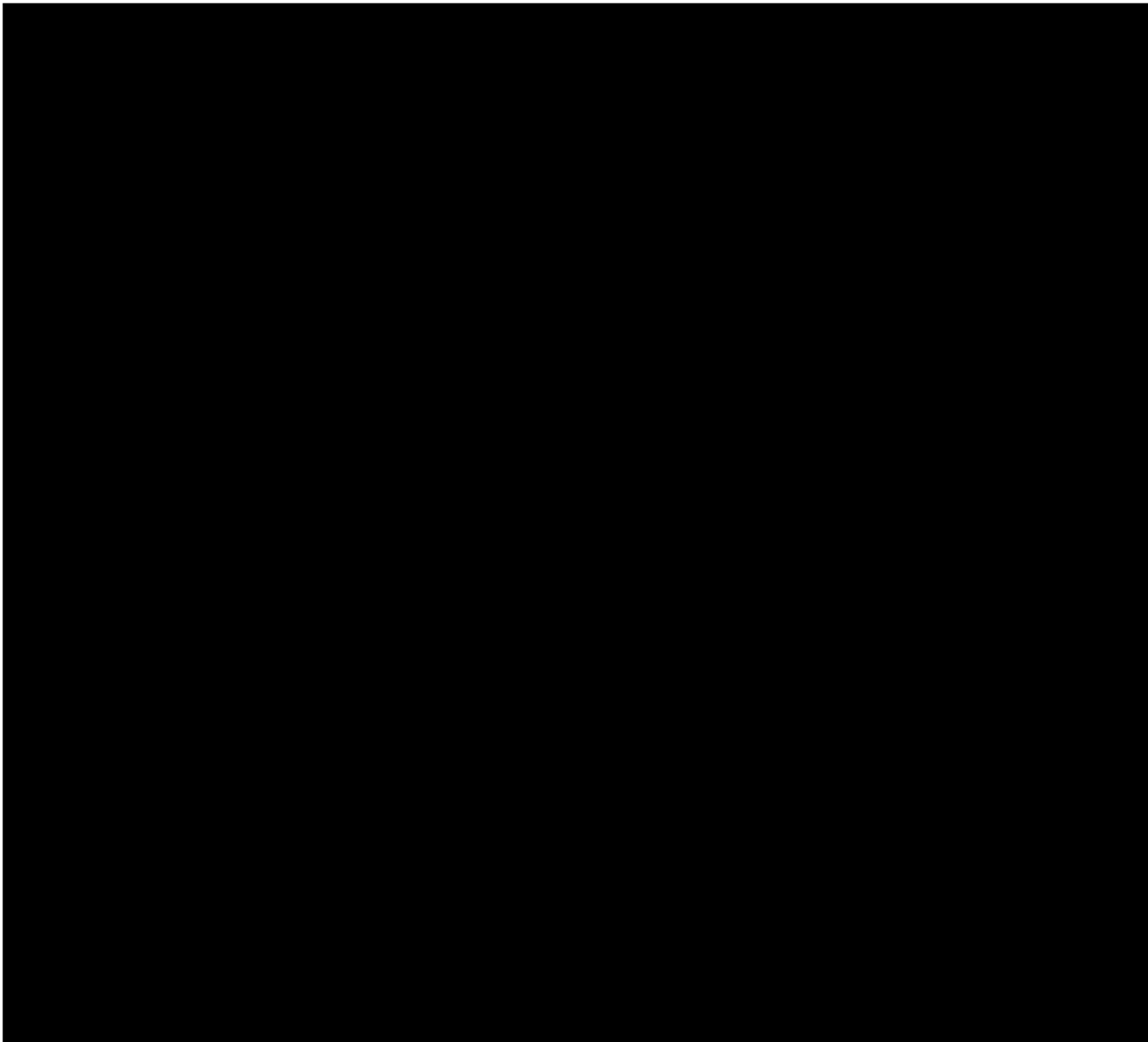
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The failure of the CCC to apply scrutiny of any relevance to the QPS ESC goes not only to a clear breach of its statutory duty but given the clear self-awareness of its neglect which is proven by the obvious benefits in doing so, have participated in nothing short of corrupt behaviour on an industrial scale. The CCC finds itself far from the Fitzgerald Enquiry's vision, instead now in old familiar territory where self-preservation is paramount despite the cost.

The QPS is paranoid about the loss of political face, personal position, and obsessed with positive public relations paid for with the assured sacrifice of members through the automated ESC machine.

The practise of ESC is no secret to the CCC. This environment would not have evolved if it weren't for the explicit support of the CCC and the currency in which they deal. The CCC's lack of intervention with the ESC is so far beyond what could reasonably be perceived as a decades long procedural or administrative oversight.

Recommendations alone will not be enough to remove the roots of this relationship.

'The CCC has a statutory duty to act independently, impartially and fairly, in the public interest, having regard to the purposes of the CC Act'

CCC publication, 2017

'The Crime and Corruption Act 2001 sets out our agency's primary functions, powers and governance structure'

*CCC Public Report to the Parliamentary Crime and Corruption Committee
Activities of the Crime and Corruption Commission, 1 April - 31 May 2021*

'The commission may...review or audit the way the commissioner of police has dealt with police misconduct, in relation to either a particular complaint or a class of complaint...'

Crime and Corruption Act 2001